

# Staff Summary Report



To: Mayor and City Council  
Through: City Manager

Agenda Item Number 29  
Meeting Date: 09/20/01

**SUBJECT:** UNIVERSITY TOWN CENTER #DRB01181

**PREPARED BY:** William Kersbergen, Design Review Manager (480-350-8331)

**REVIEWED BY:** Dave Fackler, Development Services Manager (480-350-8333)

**BRIEF:** Request to appeal a Design Review Board decision for University Town Center for building elevations, site plan and landscape plan at 816 South Mill Avenue.

**COMMENTS:** **DESIGN REVIEW APPEALS (0102-05-03)** Request to appeal a Design Review Board denial for **UNIVERSITY TOWN CENTER #DRB01181** (Arizona Board of Regents, property owner) for building elevations, site plan and landscape plan located at 816 South Mill Avenue.

Document Name: 20010920devsrh09

Supporting Documents: Yes

**SUMMARY:** University Town Center proposes a 657,076 s.f. mixed-use development located at 815 South Mill Avenue. The applicant is proposing development in two phases. Phase one consists of two buildings, one facing Mill Avenue and the other facing University Drive, each consisting of two stories. Intended uses include approximately 139,000 s.f. of retail lease space and 38,000 s.f. of restaurant lease space for a total of approximately 177,000 s.f. Phase one will also include a seven level parking structure for 1,095 cars. Phase two will consist of a structure wrapping the north and west side of the parking structure. It will contain up to 20,000 s.f. of restaurant space, 10,000 s.f. of retail space and 90,000 s.f. of office space for a total of approximately 120,000 s.f. Design Review Board denied the request by University Town Center for building elevations, site plan and landscape plan at their meeting on July 18, 2001. Staff has several concerns with this proposal and we believe that the proposed site plan does not present the only or finest development of the site. Therefore, staff recommends denial of the original proposal but supports new direction. To date, no public input has been received. At their meeting July 26, 2001, City Council continued this request at the applicant's request.

**RECOMMENDATION:** Staff – Denial of Original Proposal – Supports New Direction  
Design Review Board – Denial of Original Proposal (6-1)

**Note:** On July 27, 2001, staff held a design charrette to discuss and address staff's and neighborhood concerns. On August 2, 2001, staff met with the developer, ASU, and their architect to discuss issues related to the feasibility of the project. At that meeting, consensus was reached on solutions to those issues that should be reflected on a revised site plan. The applicant has submitted a revised site plan to incorporate the concerns that were raised at the design charrette. Staff has reviewed the plans and believes the new proposed site plan meets the intent of the Downtown Redevelopment Area. On August 15, 2001, Design Review Board discussed those recommended changes with the applicant and the board also expressed a positive reaction to those site plan and design changes. The total building area of the revised proposal includes 84,498 s.f. of retail space, 106,178 s.f. of restaurant space and 13,750 s.f. of office space and 401,475 s.f. for the parking structure for a total of 605,901 s.f. **Note: The first public hearing for this request was held on September 13, 2001.**

**ATTACHMENTS:**

1. List of Attachments
  2. History & Facts / Description
  3. Comments
- 
- A. Location Map
  - B. Plan of Development/Site Plan
  - C. Elevations
  - D. Sections
  - E. Conceptual Landscape Plan
  - F. Letter of Explanation/Intent
  - G. Letter from Glenn Kephart
  - H. Letter from Lattie Coor
  - I. Letter from Mayor Giuliano
  - J. Letter from PAAB / Jenny Lucier
  - K. Revised Site Plan Sketch / Site Plan (post charrette)
  - L. List of Goals for development (post charrette)
  - M. Concerns of Design Review Board

## **HISTORY & FACTS:**

<u>August 17, 1977.</u>	Design Review Board approved a sign package for Tempe Center.
<u>February 20, 1980.</u>	Design Review Board approved building, site plan and landscaping for the remodeling of Mill Plaza Building.
<u>January 18, 1989.</u>	Design Review Board approved building elevations, site and landscape plans for Chili's Grill Restaurant.
<u>January 25, 1989.</u>	The Board of Adjustment approved use permits, parking and site variances for Chili's.
<u>August 7, 1991.</u>	The Design Review Board approved a new sign package for Tempe Center. One (1) of the provisions of the sign package provided that all existing signs would comply with the new sign package within 24 months.
<u>July 18, 2001.</u>	Design Review Board denied the Redevelopment of University Town Center by a 6-1 vote.
<u>July 26, 2001.</u>	City Council continued this request at the applicant's request.
<u>July 27, 2001.</u>	Development Services Staff conducted a design charrette to discuss modifications to make this application acceptable for the City.
<u>August 02, 2001.</u>	Staff met with ASU, developer and Architect to discuss design modifications related to the feasibility of the project to work towards a common solution.
<u>August 15, 2001.</u>	Design Review Board discussed those recommended changes with the applicant and the board also expressed a positive reaction to those site plan and design changes.

**DESCRIPTION:**    Owner - Mike Frost / TC21/ORIX  
                             Applicant - Tom Reilly / Gould Evans Associates, L.C.

**COMMENTS:**

The contemporary design of this project represents a direction which can be supported in concept. The Design Review Board agrees with Arizona State University (ASU) that a building could be built as a reflection of the time in which it is created. In this instance, this building would serve as a bridge between the historic buildings of downtown Tempe and the more modern structures of ASU. Arizona State University has endeavored to produce an architectural style which is defined by the moment. This piece, as the gateway to ASU, should follow in that same theme. There are some specific items of concern which, without further resolve, leads to our recommendation of denial.

There have been comments regarding the appropriateness of the sidewalk arcade, with the historical references to the Laird and Dines building and the Hackett House. We agree with the intent shown on the elevation drawings, but have concerns relating to the effectiveness as a sun control element and the durability and sustainability of the material. Upon review of the materials presented, with references made to mist systems, we are not convinced that this solution will be one, which will ultimately satisfy the needs of the facility. There are further climatic concerns related to the durability and long-term appearance of the materials chosen. These comments are calling attention to design elements; however, it is the choice of the materials used that is being questioned here.

There are concerns about the parking structure with regard to public safety (CPTED), such as the metal screen element, which prohibits surveillance, and the enclosed stairways, which provide ambush points. There are concerns regarding public safety (CPTED) in the shape of the building footprint. There are areas on the site, such as near the escalators, which provide places to hide, with limited surveillance opportunities.

There are concerns related to building and site lighting, which violate the Cities Dark Sky Ordinance. Light fixtures, which direct light upward, have strict limitations, which have not been addressed here.

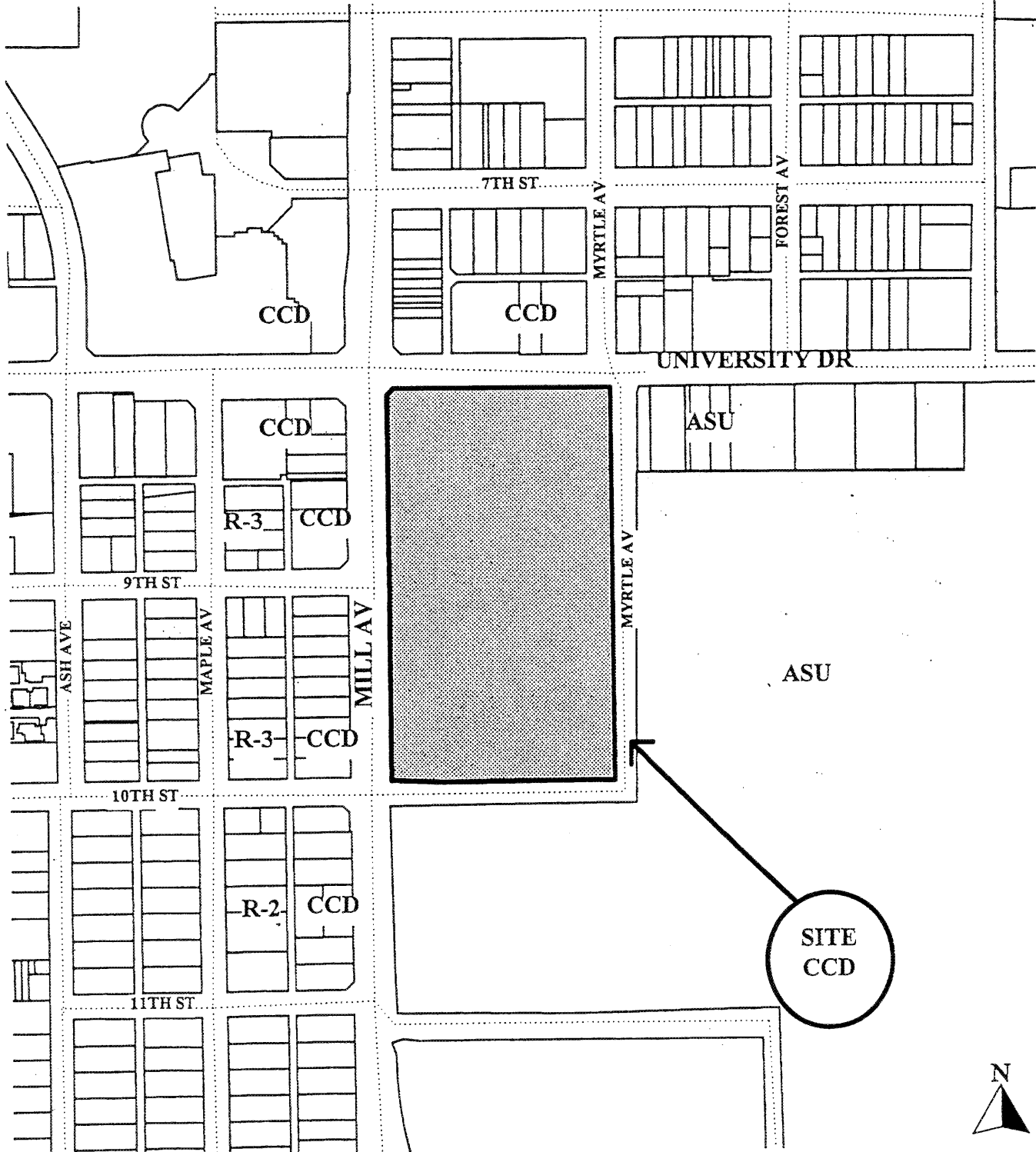
There are concerns with the trash removal system. Both the delivery system from the restaurant/business owner to the trash location, and the access to the refuse truck are not adequately indicated.

There are concerns with the “garden piazza” concept. The current site plan indicates a driveway access to Mill Avenue which drops to a below grade garage entrance point. This drive provides no method of exiting should the garage entrance be denied – there is no turn-around loop.

There are concerns relating to the pedestrian access to Arizona State University. The project references access to ASU as a major tenet of its design yet fails to indicate where these connections actually take place. We feel that the connection through ASU’s Parking Structure 3 to Tyler Mall is an overlooked opportunity, which should be incorporated into the design. Future phases may alter the configuration of the route toward the 10<sup>th</sup> Street alignment or access to the museum to the south, but the Tyler Mall alignment is at hand today.

# UNIVERSITY TOWN CENTER

SPD-2001.60



Location Map SEE OTHER SIDE FOR MORE INFORMATION

A

2

PHASE 1  
FOR  
CONSTRUCTION

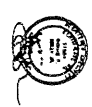
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Evans

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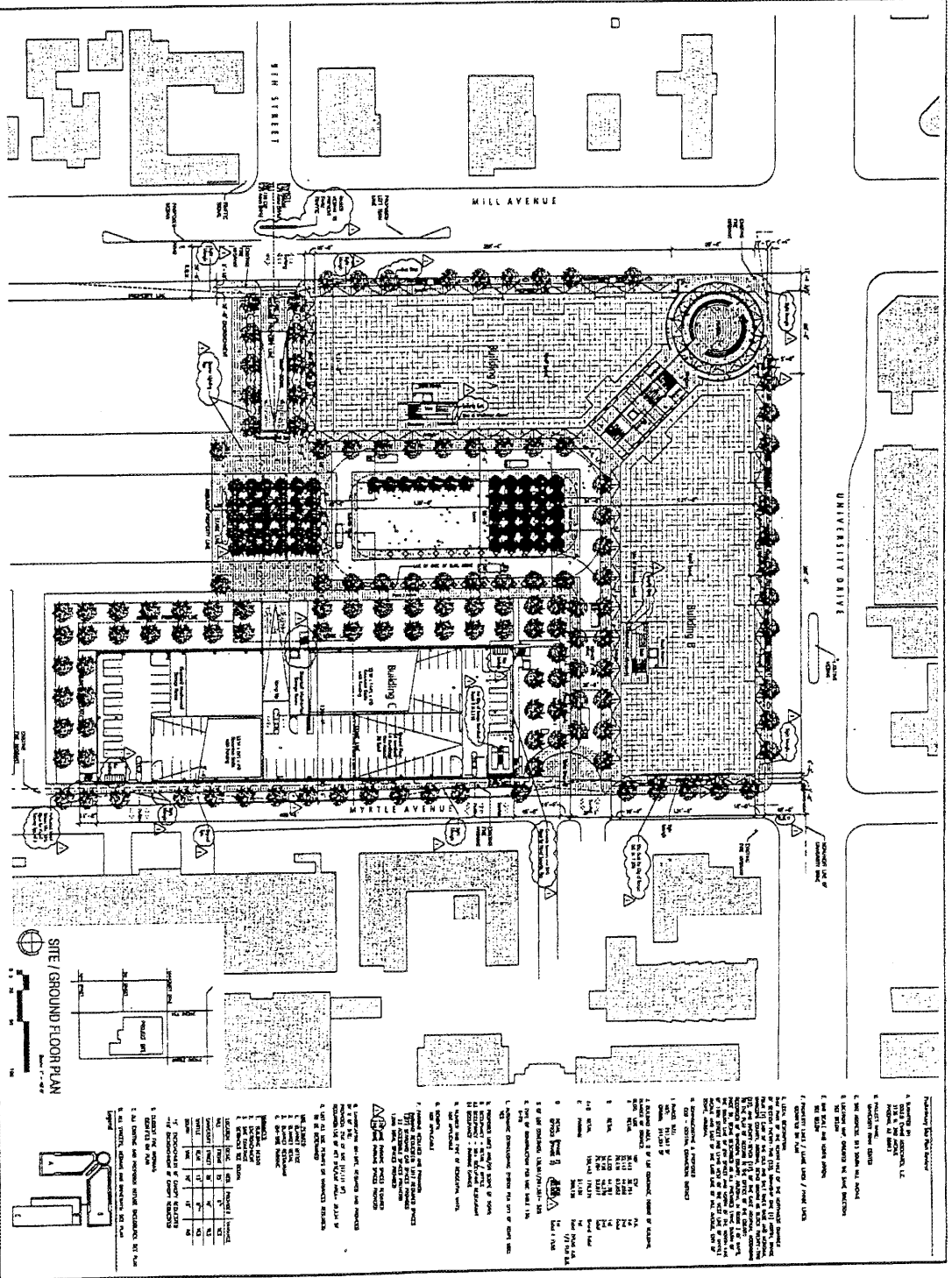
Theresa Miller and Robert  
Theresa Miller and Robert  
Theresa Miller and Robert  
Theresa Miller and Robert



DATE: 12/13/2007

University  
Town Center  
Development  
Tampa, Florida

PROJECT NO.	000-00000000
DATE	12/13/2007
BY	TH
CHECKED BY	TH
APPROVED BY	TH
DATE	12/13/2007
PROJECT NAME	UNIVERSITY TOWN CENTER DEVELOPMENT
PHASE	PHASE 1
TYPE	SITE / GROUND FLOOR PLAN
NO.	A001
REVIEW	SITE PLAN REVIEW



11/11 1 1 2007 11/11 1 1 2007

Thomas Philp and Partners  
180 West Street  
New York, New York 10014

Goodman Associates  
318 North 30 Avenue  
Proctor, Arizona 85113

University Town Center  
Tempe, Arizona

Schematic Design

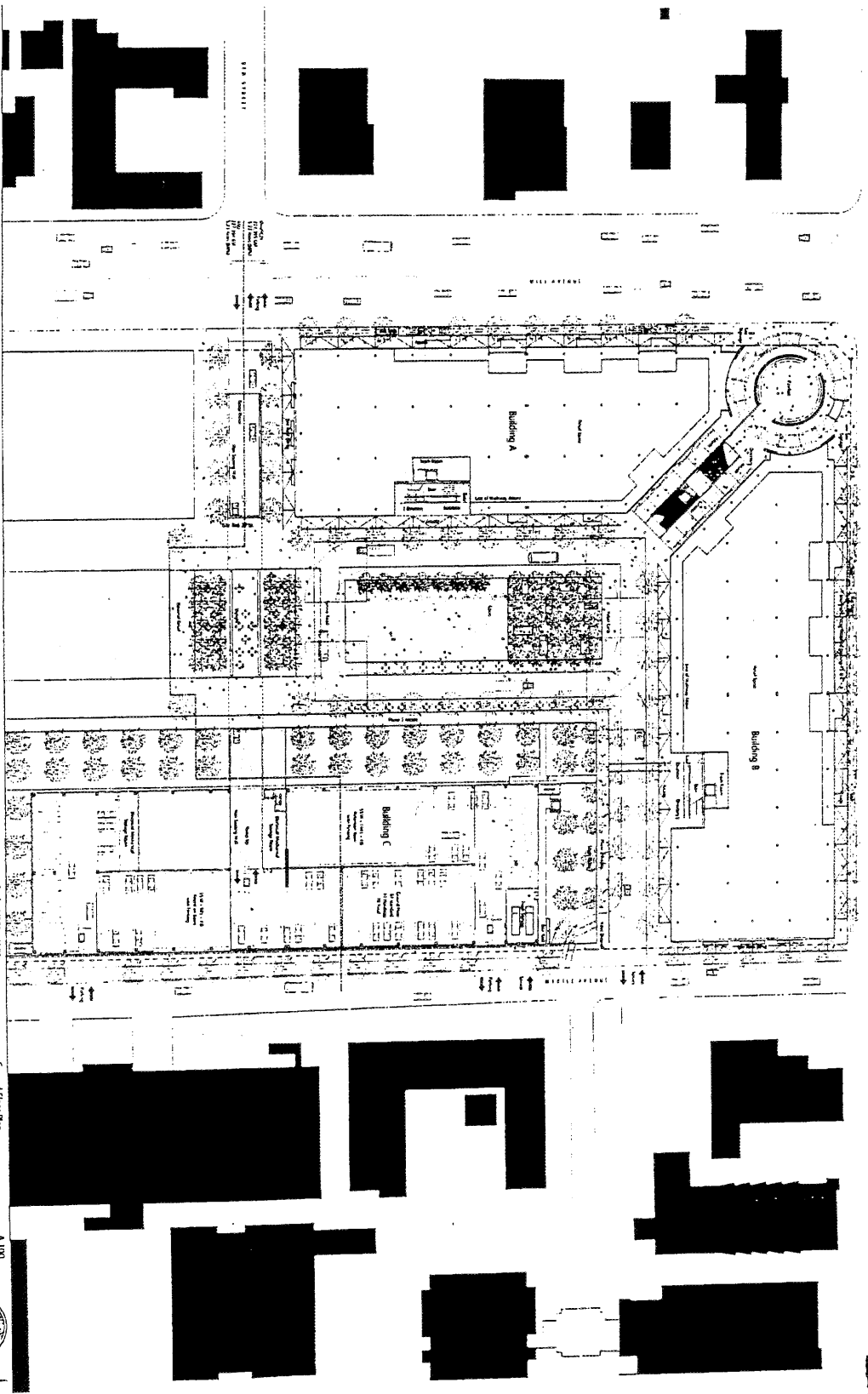
DMX/TCI Image House  
Arizona State University

Scale 1/32" = 1'-0"  
Date 06.28.01

Ground Floor Plan

A.100

SIP 2001-60 JUN 28 2001



B



Thorpe, Miller and Partners  
180 Vard Street  
New York, New York 10014

Goodman Associates  
3135 North 3rd Avenue  
Phoenix, Arizona 85013

University Town Center  
Tempe, Arizona

Schematic Design

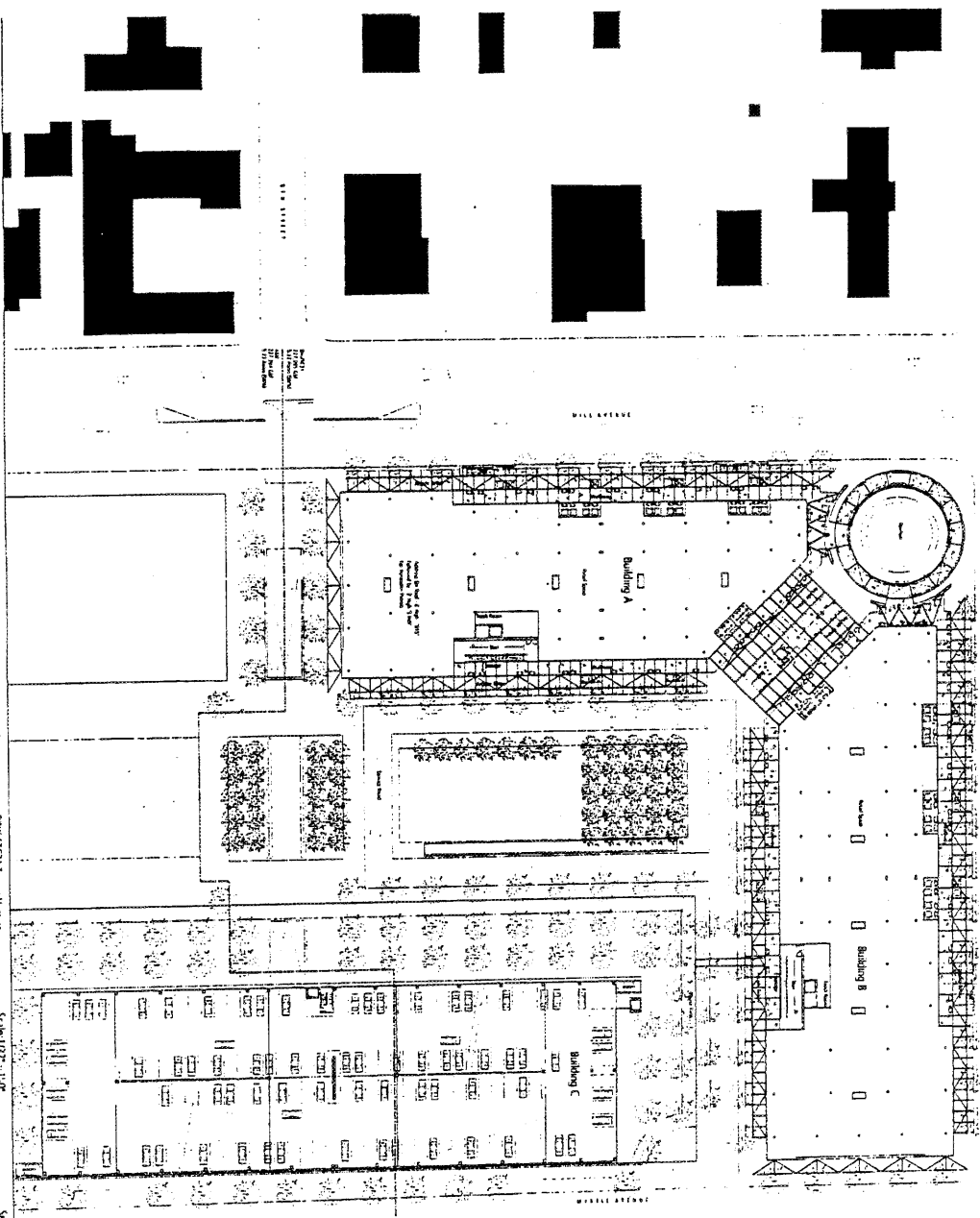
DRX / TCI Temp Venture  
Arizona State University

Scale 1/32" = 1'-0"  
Date: 06.28.01

Second Floor Plan

A 101

SIP 2001.140 JUN 28 2001



B

B

Evans

Associates, L.C.

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OMNY T(2) Temp: Versus

University  
Town Center  
Development  
Kemp, Arizona

578 *Journal of Management Education*

Project no	GLA0000010111
Date	June 27, 2000
Survey	

LEVEL 1  
FUNCTIONAL PLAN

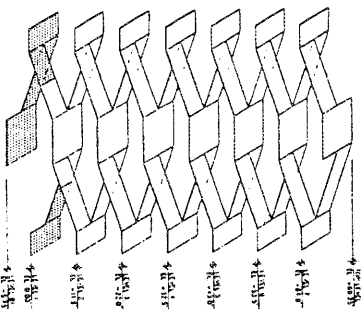
G2.1

## SITE PLAN REVIEW

SIP.2001.60 JUN 28 2001

LEVEL	STANDARD CAR	♣	10 TOTAL
GBO LV. 1	83	16	79
LV. 2	128	1	139
LV. 3	161	1	162
LV. 4	181	1	162
LV. 5	181	1	182
LV. 6	161	1	162
LV. 7	161	1	162
LV. 8	46	1	47
TOTAL	1072	23	1095

LEVEL 1 FUNCTIONAL PLAN



**ISOMETRIC**  
**END WORK**

B

PRELIMINARY NOT  
FOR  
CONSTRUCTION

Could

Evans

Associates, L.C.

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DRM ECI Image View

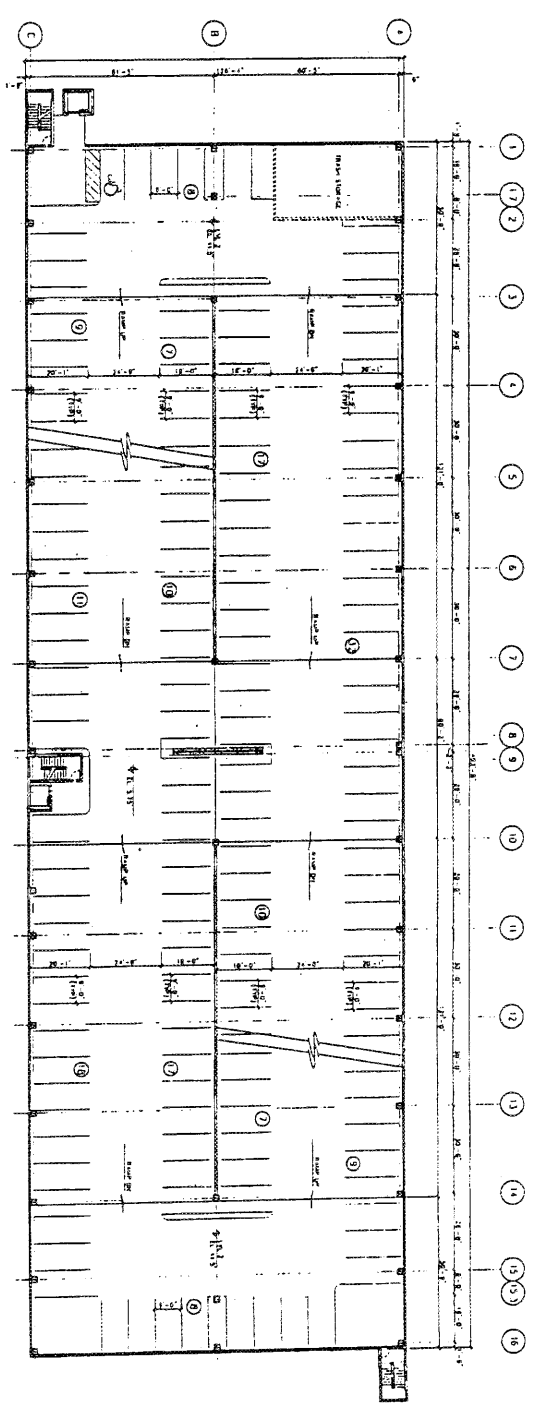
University  
Town Center  
Development  
Image: Architect

11/1/2001  
Sheet 1

Project No. G2.2-2001.60  
Date June 27, 2001  
Functional Plan

G2.2

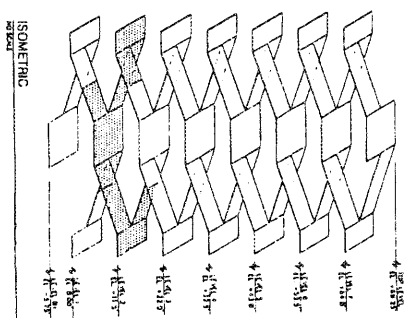
SITE PLAN REVIEW



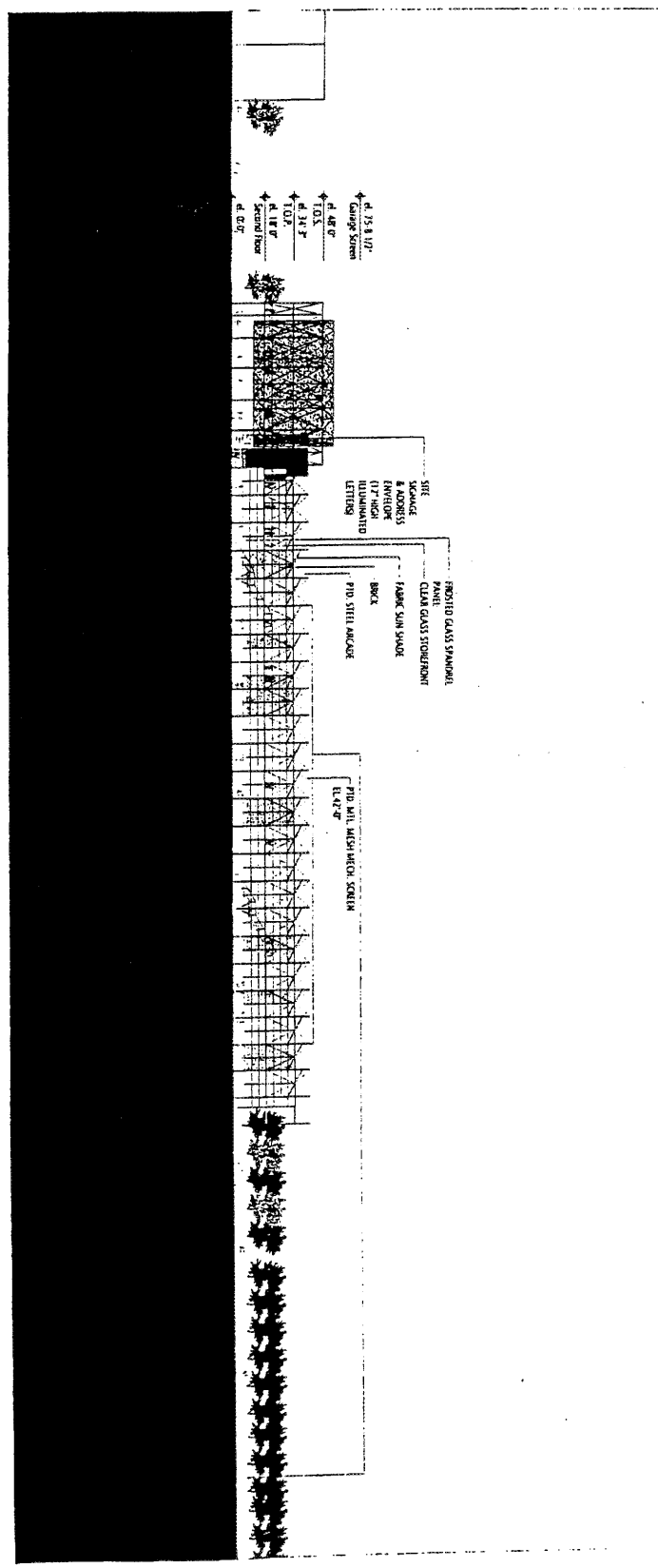
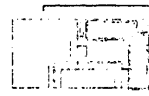
LEVEL 2 FUNCTIONAL PLAN  
SCALE 1/8" = 1'-0"



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180 Varad Street  
New York, New York 10014

Gold Coast Associates  
3135 North 3rd Avenue  
Phoenix, Arizona 85013

University Town Center  
Tempe, Arizona

Schematic Design

CRK / TCI Temp View  
Arizona State University

Scale: 1" = 35'-0"  
Date: 06.28.01

Wall Elevation

A.201

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Gould Evans Associates  
3136 North 3rd Avenue  
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University Town Center  
Tempe, Arizona

### Schematic Design

ORIX / TC21 Tempe Venture  
Arizona State University

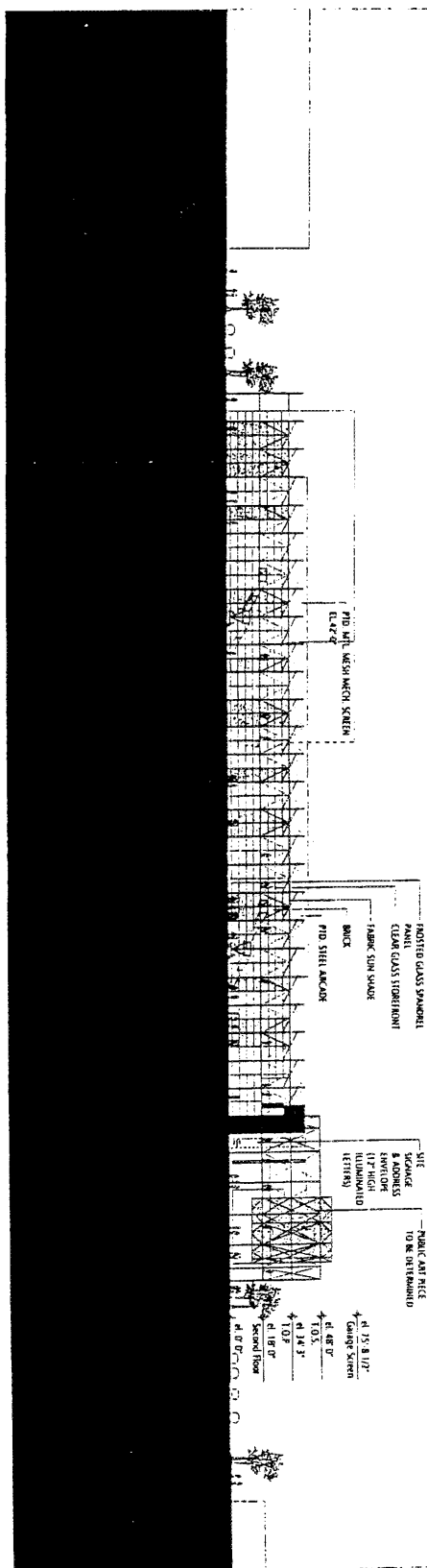
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Date: 06.28.01

North Elevation

2027Y

S/P. 2001.60

JUN 28 2007



C

Thomas Miller and Partners  
180 South Street  
New York, New York 10014

Good Luck Architects  
3115 North 3rd Avenue  
Phoenix, Arizona 85013

University Town Center  
Tempe, Arizona

Schematic Design

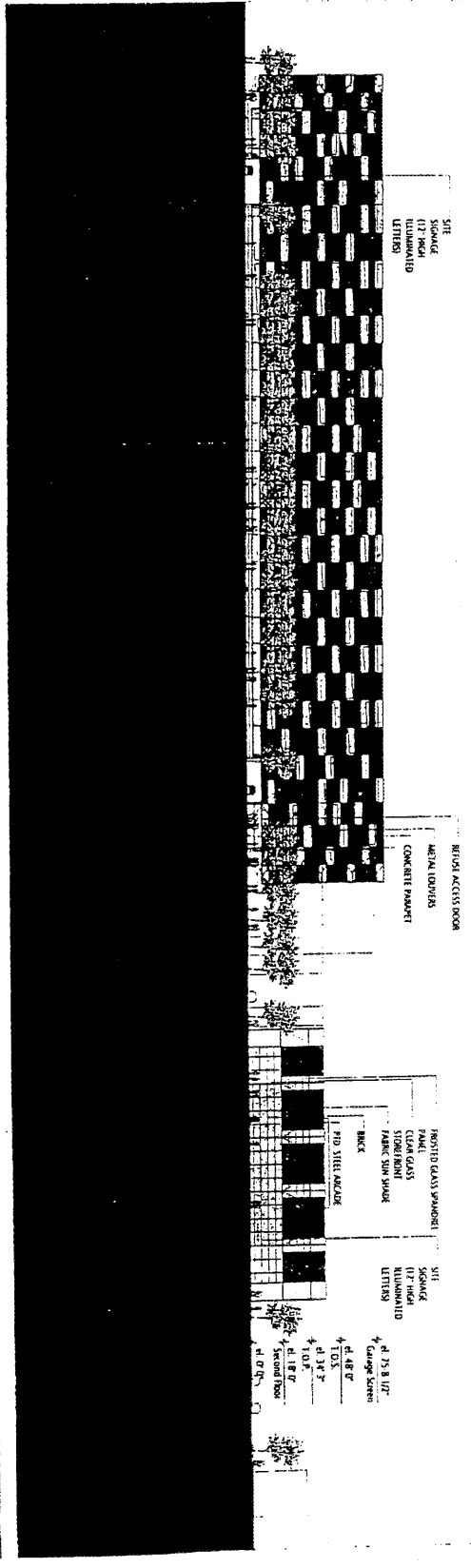
DBX/TCI Tempe Venue  
Arizona State University

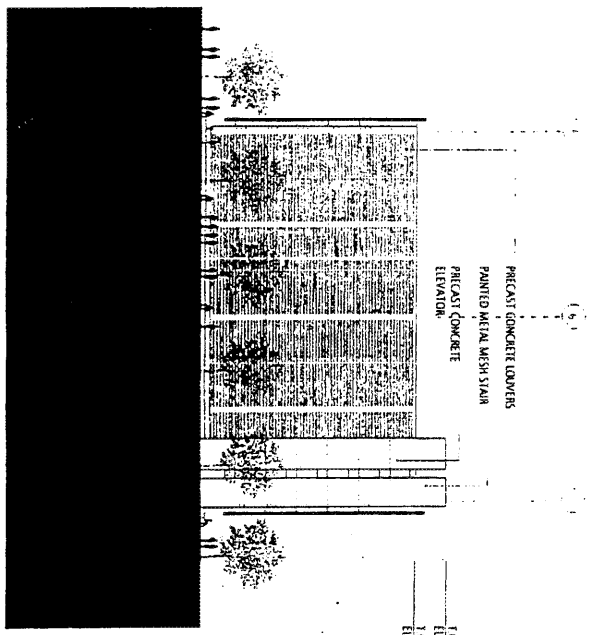
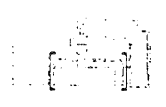
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East Elevation

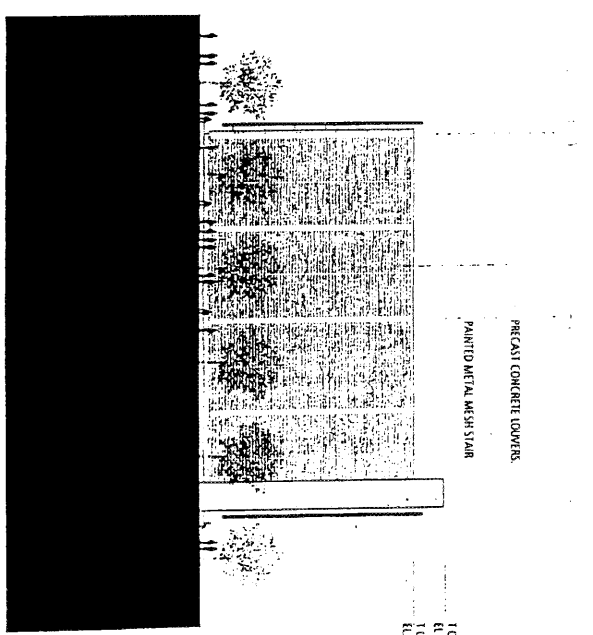
A.203

SIP-2001.60 JUN 28 2001





1 North Elevation - Parking Garage  
1/8" = 1'-0"



2 South Elevation - Parking Garage  
1/8" = 1'-0"

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180 Varck Street  
New York, New York 10014

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3118 North 3rd Avenue  
Phoenix, Arizona 85013

University Town Center  
Tempe, Arizona

Schematic Design

OKK / ULI Tempe Village  
Arizona State University

Scale 1/16" = 1'-0"  
Date 06.18.01

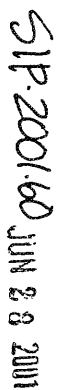
Parking Garage - Elevations

A 712

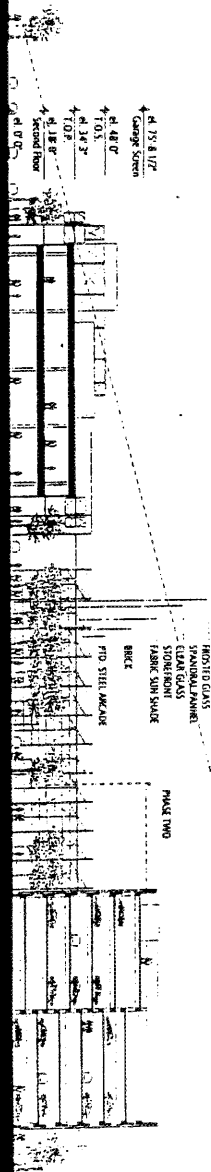
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C

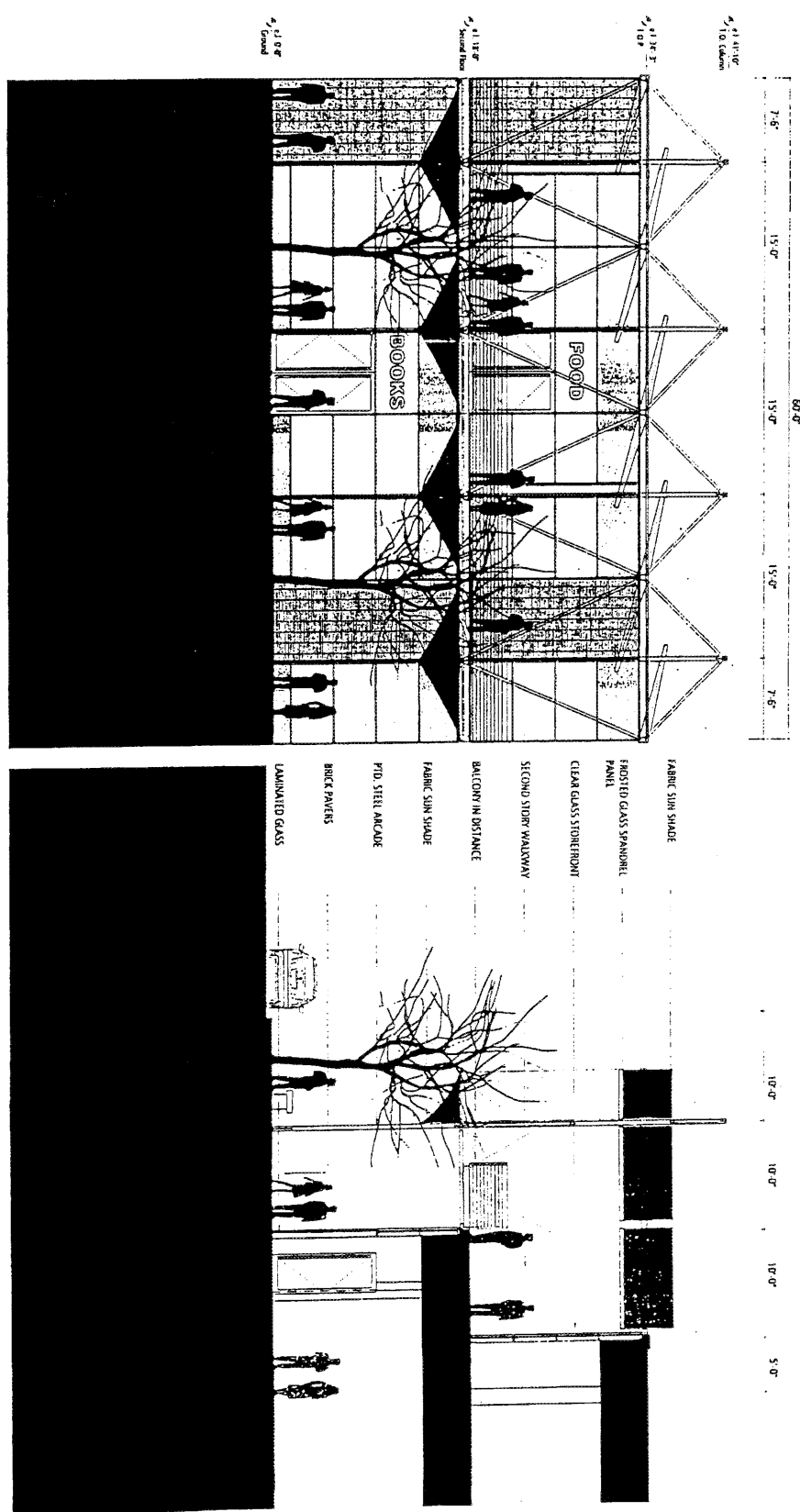








D



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Gould Evans Associates  
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University Town Center  
Tempe, Arizona

Schematic Design

CHB / ICI / Tempe Venture  
Arizona State University

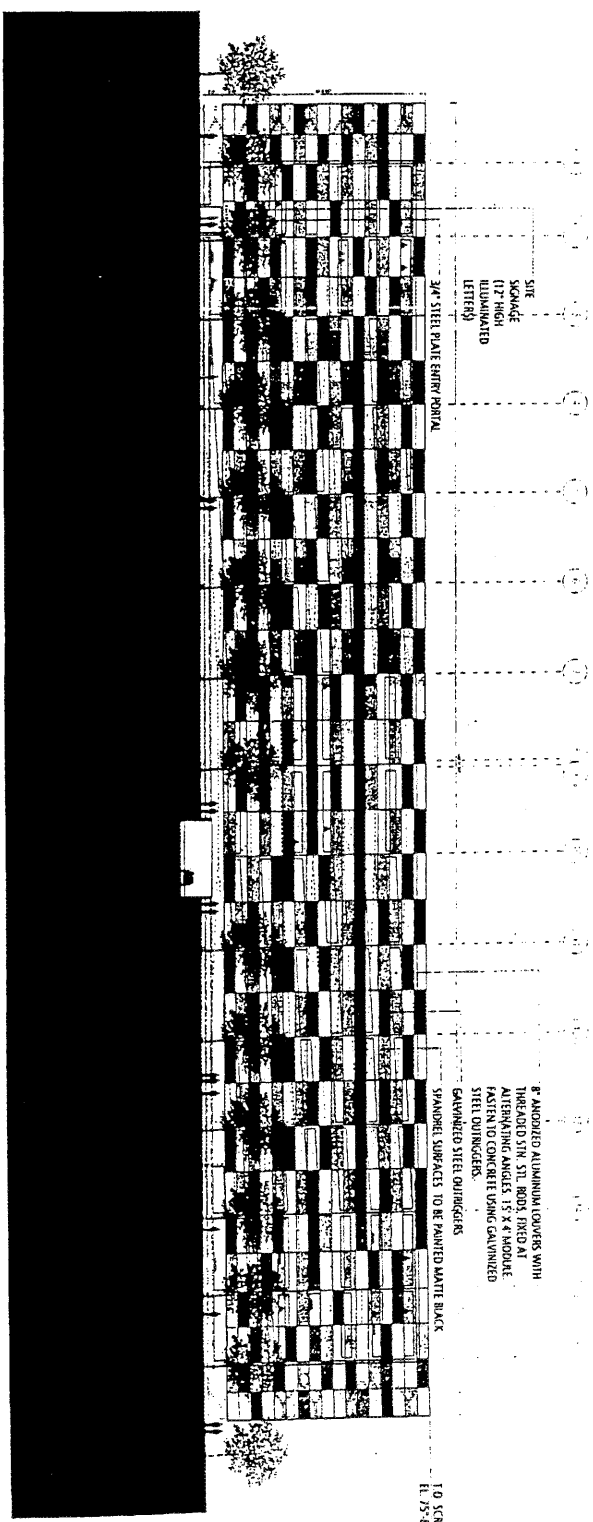
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Date: 06.28.01

Section: Section

A.109

SIP. 2001.60 JUN 28 2001





① West Elevation - Parking Garage  
1/16" = 1'-0"

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180 Varick Street  
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Goldman Associates  
3135 North 34th Avenue  
Phoenix, Arizona 85013

University Town Center  
Tempe, Arizona

Schematic Design

ORR / ICFI Tempe Venture  
Arizona State University

Scale: 1/16" = 1'-0"  
Date: 06.18.01

Parking Garage - West Elevation

A.2.10

SIP-2001-00 JUN 28 2001



D



Gould

Evans

Associates, L.C.

July 16, 2001

RE: University Town Center  
Tracking No. DS 000 854  
Letter of Intent

The referenced project is submitted for City Council review and consideration for Site Plan approval, approval of Variances and approval of Use Permits as follows.

#### General

The project is located on the southeast corner of Mill Avenue and University Drive in the CCD Zoning District. The project has currently been assigned an address, 815 South Mill Avenue. The applicant will be petitioning to change this to 801 South Mill Avenue.

The project occupies the northern 6 acres (approximate) roughly bounded by Mill Avenue, Myrtle Avenue, University Drive, and the 9<sup>th</sup> Street alignment. The land is owned by Arizona State University and has been leased to the applicant, ORIX / TC21 for commercial development.

The applicant is proposing development in two phases. Phase One consists of two buildings facing Mill Avenue and University Drive, each consisting of two stories. Intended uses include approximately 139,000 square feet of retail lease space and 38,000 square feet of restaurant lease space. The total leasable area will be approximately 177,000 gross square feet. Phase One also includes a seven level parking structure for 1,095 cars.

Phase Two will consist of a structure wrapping the north and west side of the parking structure. It will contain up to 20,000 square feet of restaurant space, 10,000 square feet of retail space, and 90,000 square feet of office space for a total of approximately 120,000 gross square feet.

See the attached "Building Area Calculations" for detailed area information.  
See attached "Design Intent" for the architect's statement of design concepts.

Architecture

Interior Design

Planning

Construction Services

Information Systems

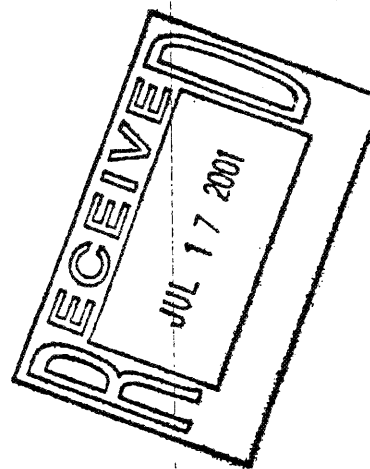
Graphic Design

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Phoenix, Arizona 85013

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Phoenix, AZ

F

## Variances

The applicant is requesting approval of the following Variances:

- Setbacks
- Building Encroachment (under separate submittal to the Engineering Department)
- Building Height

These variances are requested to match the pattern of the historic urban street development of Mill Avenue north of University Drive. It is the stated intent of the applicant to extend the historic planning principals that favor the pedestrian and alternate modes of transit over the automobile with this development. To meet these goals, the applicant is requesting approval of the submitted Variances.

See the attached "Variances and Use Permits" for detailed information.

## Use Permits

The applicant is requesting approval of the following Use Permits:

- Blanket Retail in the CCD District
- Blanket Restaurant in the CCD District, without Entertainment or Outdoor Dining
- Blanket Office in the CCD District
- On-Site Parking to be provided by demand / shared use model

The requested uses extend the development pattern of Mill Avenue north of University Avenue south to the edge of the University. The applicant's intent is to develop a tenant mix that includes a balance of destination tenants and neighborhood services as determined by market demand. While it is not possible to release the names of businesses currently negotiating for space within the project due to tenant privacy requirements, the project has been of considerable interest to both types of tenants.



JUL 17 2001

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Page 3 of 3

The parking structure has been designed for use by the entire 11 acre parcel owned by Arizona State University. The applicant has endeavored to strike a balance between providing enough parking to make the retail space economically viable while reducing the amount of parking to encourage pedestrian access and alternate forms of transportation, including the additional mass transit planned for downtown Tempe. To that end, see the attached "Parking Analysis" which documents the parking calculations from the Tempe Standards, the Tempe Shared Use Model (which does not address the loss of 200 existing ASU spaces) and the proposed UTC parking counts.

The applicant thanks you for your time and interest in considering this project. We believe that this project will be an exciting addition to downtown Tempe and will become a source of pride for both the City and the University.



JUL 17 2001

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# university town center parking analysis

preliminary - subject to revision

07.16.01

Building	NSF	NSF	Tempe Standard		Tempe Shared Use		UTG	
			calculation	spaces	calculation	spaces	calculation	spaces
Ground Floor A + B		81066						
Retail			s.f. per space		s.f. per space		s.f. per space	
Retail			1 per 250	200	417	120	3 per 1000	150
			1 per 275	113	464	67	3 per 1000	93
Second Floor A + B		67685 + outdoor						
Retail			1 per 275	115	337	94	3 per 1000	95
Restaurant Indoor (6000x6)		31685	1 per 75	480	145	249	3 per 1000	108
Restaurant Outdoor (500x6)		3000	1 per 150	20	300	10	3 per 1000	9
Ground Floor Phase Two		16000 + outdoor						
Retail			1 per 300	13	571	7	3 per 1000	12
Restaurant Kitchen (2000x6)		4000	1 per 75	160	146	82	3 per 1000	36
Outdoor Dining		120	1 per 4 seats	30	8	15	3 per 1000	0
2nd, 3rd & 4th Floor Phase Two		90000						
Office			1 per 250	360	341	264	3 per 1000	270
200 Room Hotel			1/room + office	210		101	1/room + office	210
ASU Replacement Spaces				200		96		200
<b>TOTAL</b>		254,751		1,902		1,105		1,184

## ACTUAL PROVIDED

1,095

Existing

Tempe Ctr.

662

ASU

200

862

difference

233

## Notes:

1 Tempe Shared Use calculations provided by the City 11.27.00

2 Tempe Shared Use calculations provided by the City 11.27.00 indicate 1,068 - 1,119 bicycle spaces.

JUL 17 2001

7

**university town center**  
**building area calculations**  
 gca + tpp

07.16.01

all areas given in gross square feet

**phase one****Lot Coverage**

261,557 net site sf

**Ground Floor**

Bldg A		
Retail	39,794	
Bldg B		
Retail	<u>44,704</u>	
Total Conditioned Bldg. Ground Floor	84,498	32%
First Floor Parking Structure	<u>51,450</u>	
Total Lot Coverage by Building	135,948	52%

**Second Level**

Bldg A		
Retail	25,058	
Restaurant	19,000	
Bldg B		
Retail	29,370	
Restaurant	19,000	
Total Retail Second Floor	54,428	
Total Restaurant Second Floor	<u>38,000</u>	
Total Conditioned Bldg. Second Floor	<u>92,428</u>	

**Phase One Totals**

Total A + B Retail	138,926	
Total A + B Restaurant	<u>38,000</u>	
Total A + B	176,926	
Total Parking Structure Floors 1-7	<u>360,150</u>	
Total Bldg Area + Parking Structure Phase One		537,076

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all areas given in gross square feet

**phase two**

**Lot Coverage**

261,557 net site sf

**Ground Floor**

Retail	10,000
Restaurant	<u>20,000</u>

Total Ground Floor 30,000

44% w/o garage

63% with garage

**Levels 2 - 5**

Office	<u>90,000</u>
--------	---------------

Total Phase Two Bldg Area 120,000

**total site both phases**

Total Retail	148,926
--------------	---------

Total Restaurant	58,000
------------------	--------

Total Office	<u>90,000</u>
--------------	---------------

Total Bldg. Area	296,926
------------------	---------

Total Bldg. Area + Parking Structure	657,076
--------------------------------------	---------

JUL 17 2001

F

To: Mayor and Council  
From: Glenn Kephart  
Through: Howard Hargis

Ref: Tempe Center Redevelopment

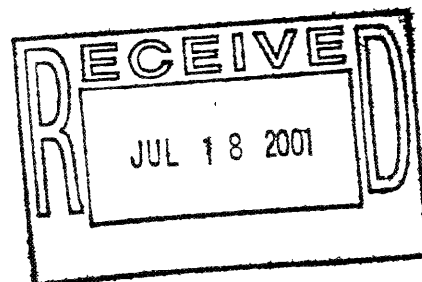
The proposed Tempe Center redevelopment project will cause increased congestion on Mill Avenue and University Drive. The Traffic Impact Analysis (TIA) dated June 2001 for this site concludes that significant widening of Mill Avenue South of University would be required to mitigate this congestion. Specifically the TIA identifies the need for one additional northbound through lane and dual right turn lanes on Mill. It is important to note that staff is not recommending to actually build this widening. It is neither desirable nor practical to do so. The intersection of University and Mill is already a challenging intersection for pedestrians and additional traffic lanes would make this area less desirable for pedestrians and would not be consistent with the city's mission to promote alternate modes of transportation.

It is important to recognize that the proposed development is only one of several factors, including overall regional growth, and increased density of downtown Tempe, contributing to the increased traffic congestion that is predicted to occur in the vicinity of Mill and University. It is not practical or desirable to try to build our way out of this projected congestion. However it is very important that we identify and implement measures to assure that transportation options associated with this proposed development or any development in this vicinity contribute to downtown Tempe being a desirable place to be.

The provisions to provide parking at the site is a significant factor in influencing the actual amount of vehicle trips that will be generated by this development. Although traditional traffic analysis focuses on land use to determine trips generated rather than available parking, it may be more appropriate at this location to realize that the available parking is a larger contributing factor than the land use. What the TIA is telling us, by its prediction of future congestion, is that this location is not a desirable location to provide significant parking availability.

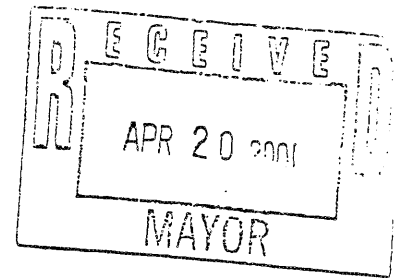
**Specific transportation recommendations include the following:**

- Project should include no street widening except as required to provide for continuous bike lanes
- The existing northbound right turn lane on Mill Ave should be retained. Specific length to be determined through coordination with traffic engineering staff.
- Development should be transit oriented to the maximum extent possible to encourage the use of alternate modes of transportation to, from and around the site. Specific recommendations include,
  - Availability of showers for employees at the site
  - Bike lockers for safe storage of employees bikes
  - Transit passes for employees and users of the facilities.
  - Requirements for employees to park at a remote location and use alternate means of access to the site.
  - Restriction of available parking spaces to an absolute minimum
- New traffic signal will be required at the intersection of Mill and 9<sup>th</sup> and the developer shall reimburse the city for all costs associated with the new signal.
- The traffic Impact Analysis indicates that by the year 2010 that there is not adequate storage capacity to allow a left turn from south bound Mill into the development. Developer shall work with traffic engineering staff to resolve this issue prior to final approval.
- The intersection of 9<sup>th</sup> Street and Mill must be designed to prohibit an increase in cut-through traffic travelling into and through the neighborhood west of Mill.



**ASU**  
ARIZONA STATE UNIVERSITY

April 19, 2001



Mayor Neil Giuliano  
Vice Mayor Len Copple  
Councilmember Ben Arredondo  
Councilmember Dennis Cahill  
Councilmember Barbara Carter  
Councilmember Hugh Hallman  
Councilmember Mark Mitchell  
City of Tempe  
P O Box 5002  
Tempe AZ 85280

Dear Mayor Giuliano and Members of the Tempe City Council:

At Arizona State University, we have made participation in the development of our community, on-campus and off-campus, a distinguishing characteristic. Through countless numbers of individual interactions and programmatic investments, Arizona State University has contributed to the excitement of downtown Tempe and the vitality of the surrounding neighborhoods. In the redevelopment of Tempe Center, we continue our commitment to contribute to the health of the University as well as to the City of Tempe.

We have four goals in the redevelopment of Tempe Center: 1) to create an attractive and distinctive pedestrian gateway from downtown Tempe with a walkway through to the ASU campus; 2) to redevelop and revitalize this commercial center not unlike the redevelopment that has already occurred in downtown Tempe; 3) to recapture for University use the south five acres of the existing ten acre Tempe Center site; and 4) to generate sufficient income to replace the existing income derived from Tempe Center, replace the University space in Tempe Center and eventually contribute to the further development of the Tempe Center academic site.

I believe the site plan and preliminary design of the center that I reviewed last October meet these objectives. The elements of the design that I have seen have passed through our on-campus design review process and received my strong support, including a below grade entrance to the parking facility from Mill Avenue opposite Ninth Street. It is my understanding that this same design received extremely favorable reviews from the City of Tempe Design Review Board and the Northwest Tempe Planning Area Advisory Board.

There have been several discussions relative to the issue of the density of the proposed project. As you know, we have been working on this project for several years. Representatives from the City's redevelopment team participated actively in the development of the concept plan and the RFP process that resulted in the selection of a developer. That help was greatly appreciated. We began with a program and concept plan that included a two-story development at the street, with

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increased massing as we progress into the University property. We still hope to build a three to five story structure on the site to "wrap" much of the parking structure. The proposed massing on the site is compatible with the Center Point and Hayden Square projects as well as with our initial concept plan.

At ASU we value and appreciate creative and diverse architecture as evidenced by Gammage Auditorium, the Music Building, the Law School Library and the Nelson Fine Arts Center. Consistent with our expectations, the developers have employed a distinguished young architect to bring to this transition point between downtown Tempe and ASU an exciting and distinguishing design that respects our goal of creating a gateway to the campus. While this design is something of a departure from the existing architecture in downtown Tempe, it is my view that the distinctive architecture proposed for University Town Center creates an effective transition from downtown Tempe to ASU and is consistent with the diversity of thought that we all treasure.

I am confident that when you see and hear the design in the context of our plans and our developer's plans for the future of this site, and when you understand our reasons for accepting this site plan and design, that you will agree with your design review board that this is an attractive addition to our community.

We share your concern regarding neighborhood services. We have encouraged the developer to make reasonable efforts to address these concerns. I understand that the developer is negotiating with a pharmacy tenant, a much needed service in the downtown area. I also understand that the developer has engaged in ongoing discussions with other neighborhood service tenants, such as a dry cleaner and a hair salon.

We are supportive of including additional neighborhood services such as a grocery store in this development, but not at the expense of our primary goals and within the fiscal limits of the project. You are correct in stating that this will be extremely challenging. Our development team has been actively seeking grocery stores. To date no grocer has been willing to locate in downtown Tempe due to the economic constraints and the lack of surface parking. University representatives have met with a major Arizona grocer to determine the feasibility of locating a store within the development. The grocer was not encouraging. The recent decision of Gentle Strength Cooperative to leave its site is testimony to the difficulties a grocer has in the downtown Tempe area.

There will not be surface parking in University Town Center (the name for the redeveloped Tempe Center). Our goals cannot be met with surface parking on this site. The entire project incorporates the concept of a pedestrian gateway to the University from the downtown area with a walkway through to the campus. For this to be a pedestrian gateway to ASU it must be inviting, open, visually and physically uncluttered, therefore limiting the site options for a grocery store. Locating in this development requires a grocer willing to do something that has yet to be tried in Arizona, hence the challenge. I understand that there are several better sites along University Drive to the west of Mill Avenue that could accommodate both a grocer and the

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community better than University Town Center. We remain supportive of the City Council's goal of satisfying this expressed community need. We trust that the goal of having a viable, urban-scaled grocery store in or near downtown Tempe can be realized if you are able either to provide sufficient incentives to make it economically feasible on this site, or if you are successful in identifying another, perhaps more suitable, location.

I am also concerned about the process that has resulted in the City Council's concerns about this design and site plan. It was our understanding that the design was first to satisfy your appointed design review board. Our developer has been following that process, but before that process could be completed, we were advised by the City Council that the design and site plan might not be acceptable. As you know, I am always anxious to hear from you and appreciate the open dialogue that characterizes our relationship, but since ASU is intending to develop a number of properties along Rio Salado and Tempe Town Lake, it is important that we share a common understanding as to the review process our developer is to follow.

We trust that we can count on your support for this development project that we believe will benefit the downtown community and meet the University's objectives. We recognize that you must act in what you believe to be the best interests of the City of Tempe, consistent with the University's rights as a property owner. In the event that the University's approach to meeting its objectives is not compatible with the City's interests, we will be disappointed, particularly given City staff involvement in the process of developing this project from its inception.

We are seeking your cooperation in achieving our mutual objectives.

Sincerely,



Lattie F. Coor  
President

LFC:lv  
/p

c: Mernoy Harrison, Vice Provost for Administrative Services  
Allan Price, Vice President for Institutional Advancement  
Eugene Kadish, TC21 LLC

H



City of Tempe  
P.O. Box 5002  
31 East Fifth Street  
Tempe, AZ 85280  
480-350-8865

May 15, 2001

President Lattie Coor  
Arizona State University  
P.O. Box 872203  
Tempe, Arizona 85287-2203

Dear Lattie:

Neil G. Giuliano  
Mayor

Leonard W. Copple  
Vice-Mayor

P. Ben Arredondo  
Councilmember

Dennis J. Cahill  
Councilmember

Barbara J. Carter  
Councilmember

Hugh Hallman  
Councilmember

Mark W. Mitchell  
Councilmember

Your letter identifies four goals that the University hopes to achieve in the redevelopment of Tempe Center:

1. Develop an attractive, distinctive pedestrian gateway from Tempe to ASU;
2. Revitalize an aging commercial center, like what has already occurred in downtown Tempe;
3. Recapture the southern five acres of the site for University use;
4. Generate sufficient income to replace the income derived from Tempe Center, while replacing University space that was recently housed in the commercial center.

While the proposed site plan and preliminary design of the center may meet these goals, it certainly does not present the only, or even the best, development of the site.

We have many goals in common. An attractive, distinctive gateway to the University is certainly in line with the development goals of the City. The area between Myrtle and Mill, extending from University to the alignment of 9<sup>th</sup> Street, represents the merging of an expansive campus with the traditional street grid of the town. Symbolically, and physically, this block could serve as the meeting place where "town and gown" come together. The intersection of Mill and University is a distinctive marker, identifying where the downtown begins to merge with the University and the surrounding neighborhoods. The needs of all three should be respected at this corner.

You likened your redevelopment project to that of downtown Tempe. As you know, that revitalization could not have evolved without significant cooperation and genuine communication. It did not become a walkable place by eliminating streets. Nor did it pull the pedestrian off the street into a space that is removed from the activity of the City. It started with the existing traditional streets and made them better. It added density, and diversity of use, to create an exciting place for visitors and residents, for students and employees. The downtown relies on some basic planning principles:

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- that "eyes on the street", in the form of 24-hour use, create a safe place;
- that appropriate mix of use allows for reduced, shared parking;
- that shared streets are places that attract a diverse exchange of goods, services, knowledge, culture, and civic goodwill.

The recommendation to bring 9<sup>th</sup> Street through to Myrtle addresses your third goal: to preserve the southern part of the parcel for future academic development. When developed with a pedestrian emphasis, this streetscape would maximize visibility for small business ventures while creating a tree-lined passage that is interesting and safe. This urban approach also addresses goal four: replacing existing income. Merchants and businesses that do not need high auto visibility would gladly tenant the rear edge of this block, garnering exposure to students and neighbors on foot and bike. The completion of this city block does not replace the proposed entry feature at the corner of Mill and University, nor does it require the elimination of a central green. It does provide an opportunity to divert exiting ASU traffic from University parking structures after large events, and it invites neighboring citizens and businesses into an active, urban block that is truly shared with the University.

The early concept plans were referenced in support of the two-story structure. I believe those plans also included parking underground. In the course of development, the parking expanded to a seven-story above-ground parking structure. This seems a more drastic departure from the original concept than the suggestion of office, hotel, or residential space above the two-story retail on University. The proposal for increased height and density along the major arterials would accommodate the University's goal of expanding and sustaining income. The significance of this intersection, and the pedestrian entry to campus, allows for an increase in building mass on this corner. If underdeveloped in this plan, it will remain a lost opportunity.

If the plan proceeds with the seven-story parking garage, it is of critical importance that the structure includes office space along the north, west and south elevations. The first floor, on all sides, should include some type of small retail spaces, as well. This activates the interior courtyard and Myrtle Street, contributing to a safer pedestrian experience. As we revise our current code, new parking structures throughout the downtown will be asked to provide retail/office along pedestrian plazas and streets.

These modifications to the garage should be incorporated in the first phase of construction. The likelihood of coming back and building a multistoried façade along a newly established plaza diminishes even further when factoring in the negative effect of construction on newly established businesses. A reasonable phasing of a project is understandable, but each phase needs to appear complete as it is built.

We appreciate your efforts to include neighborhood businesses in the development and hope you will be successful in attracting those that serve the campus and adjacent neighborhoods. While your goal is to replace income lost from demolishing the existing center, the neighborhood goal is to replace those services that were affordable and accessible at Tempe Center.

Gentle Strength's decision to leave the area is not testimony to the difficulties of a local grocer. The cooperative always catered to a health-conscious market, offering discounts to members that worked in the store. A full-service urban grocery is a new concept for Tempe and the Valley, however successful examples have been implemented in many cities. The proposed 9<sup>th</sup> Street extension to Myrtle creates a corner site that could incorporate the grocery with the garage structure. Accessible to parking, students and neighbors, the store could maximize the southeast corner of the site. We, too, are actively seeking an opportunity for a grocer to locate in the vicinity. Our challenge is a lack of large parcels along University Drive, coupled with the extremely high value of commercial real estate. City incentives alone cannot make these sites feasible.

The process of design development on this site is prolonged and complicated. The project designers have come to the Planning Area Advisory Board for the Northwest Area, and to the Design Review Board, on numerous occasions. In pre-session reviews, the DRB has supported the design. The PAAB has not been in support of the plan from the beginning. Numerous reiterations have fine-tuned details but not addressed the larger issues. Little of substance has changed:

- the parking garage is a rectangular box covered with a mesh scrim, with no retail or office space on it's perimeter;
- the auto access off Mill requires one to go underground in order to come up into the parking structure;
- the two-story glass retail building is virtually the same, with a change in material (from copper to clay tile to brick) and a modification to second level balconies;
- on-site retention is still in question.

The staff has requested a model of the development in the context of the surrounding buildings. It has not been produced, even though design has been underway more than 18 months. The architects agree that the schematic drawings and computer sketches do not fully depict how the shade sails will work, and our concern about the western and southern exposures of glass in this climate has not been addressed. Many retailers and restaurants have returned to the City requesting shade structures and awnings that are an aesthetic compromise to the underlying architecture, in order to sustain their business. The solution should be carefully integrated in the initial design.

The large green in the middle of the development has been preserved at all costs, even though citizens have declared their civic space to be on the sidewalks. The police have identified their concerns about surveillance and security. We understand that this space was offered to the City as a "world class plaza . . . a living room for the citizens." No one listened when the citizens said this was not where they would gather! The plaza has been represented as a great civic space, like many of the piazzas in Europe. An example of a great piazza has yet to be produced that proudly displays an unadorned seven-story parking garage along its perimeter. As currently designed, it is out-of-place to serve as the living room for the citizens.

Your final concern was the City's review process. In an effort to communicate clearly, the City Council and staff identified issues that have not been appropriately addressed by the developers, architects, and University staff, in spite of the lengthy process of meetings and presentations. Common ground has not yet been found. The refinements to the design have not responded to the very basic concerns identified by the City staff.

Finally, and perhaps most importantly, the University Town Center does not respond to its surrounding context. The site planning, building form, and materials proposed will produce a signature building, but it will not incorporate the spirit of the City or the character of its citizens. Distinctive architecture is not discouraged when it sits comfortably in its surroundings. This does not suggest a replica of existing storefronts, nor a reproduction of detail that denies our current technology. It will, however, require more than a poetic reference to the arcade of a nearby historic structure.

The City is anxious to strengthen an already good working relationship with the University. We would like to take part in creating a unique urban development that benefits students and residents without overlooking the needs of the University or the responsibilities we have to Tempe's citizens.

As you know, these thoughts are not only mine when it comes to this project. We have twelve other ASU alumni (six registered architects), all from the College of Architecture and Environmental Design, on our professional staff who have reviewed this project and share these concerns.

I appreciate the dialogue we have on this and other issues and look forward to our ongoing discussions.

In Service,

A handwritten signature in black ink, appearing to read "Neil", written over the typed name.

Neil G. Giuliano  
Mayor

City of Tempe  
P. O. Box 5002  
132 East Sixth Street, #101  
Tempe, AZ 85280  
480-350-8028



TDD: 480-350-8913  
FAX: 480-350-8579  
[www.tempe.gov](http://www.tempe.gov)  
Development Services Department  
Redevelopment Division  
Neighborhood Planning + Urban Design

24 May 2001

to: Arizona Board of Regents

Cc: Lattie Coor, President Arizona State University  
Mernoy E. Harrison, Vice-Provost for Administrative Services  
Mayor Neil Giuliano, City of Tempe  
Dave Fackler, City of Tempe Development Services Manager

from: Eric M. Hansen, City of Tempe Redevelopment *EMH*

re: ASU Tempe Center

At their 23 May 2001 meeting, the Northwest Tempe Planning Area Advisory Board (PAAB) made formal motion to reiterate their position on the redevelopment of the ASU-managed/State-owned Tempe Center, located at the southeast corner of Mill Avenue and University Drive.

The Board has requested staff to resend the attached letter addressed to the Arizona Board of Regents (dated 16 October 2000) which outlines the PAAB's key concerns with the proposed project. The PAAB made this request to demonstrate that their planning recommendations and position have not changed. As originally outlined in the letter, the PAAB articulated that the issues integral to the success of this important project have still not been addressed.

The Northwest Tempe Planning Area Advisory Board (PAAB) meets the second Wednesday of every month in the Public Works Conference Room (Garden Court Level of City Hall) at 6:30 p.m. If you are interested in scheduling an agenda item, please contact the Neighborhood Planning Office at 480.350.8028.

attachment: letter of Board of Regents (dated 16 October 2000)

J

Northwest Tempe Neighborhoods  
Planning Area Advisory Board

October 16, 2000

Arizona Board of Regents  
2020 North Central Avenue, Suite 230  
Phoenix, Arizona 85004-4593

RE: Tempe Center Redevelopment

Dear Board of Regents,

We need your help. Arizona State University will soon be building a new project at the Southeast corner of Mill Avenue and University Drive in Tempe. Businesses located at this site have provided basic goods and services to ASU faculty, staff, students, the disabled community and the surrounding community in a free market setting since the 1950s. The site has provided the most fundamental elements needed in a livable community, including a grocery store.

The Northwest Tempe Neighborhoods have created a strategic area plan through a community-based planning process. Our Mission Statement is:

"The NewTown (Northwest Tempe Neighborhoods) Strategic Plan seeks neighborhood sustainability by establishing policies that enhance valuable housing stock and encourage responsive and responsible development that preserves and enhances local heritage and character, while fostering livability."

This plan sets out goals and objectives in support of the Mission Statement. The goals address issues including land use; circulation and transportation; economic development; and conservation, preservation and redevelopment. Excerpts of the plan are attached.

The University's planning process for this site has been ongoing for four years. While plans have been shown to various neighborhood and community groups, we have yet to see evidence that the goals and objectives of the Strategic Plan will be met. As the project is now seeking approvals from the City of Tempe, we are anxious to see how the new project will fill the void left by the departure of the existing tenants. We are also anxious to see the contribution this project will make to the Circulation and Transportation goals of our plan. There is now a single group (the Planning Area Advisory Board) having the responsibility to represent all of the northwest Tempe neighborhoods in development issues and assure compliance with the strategic area plans.

The Planning Area Advisory Board (PAAB) was established by Tempe's City Council in 1999. Duties of the PAAB include:

- Advising the City's development review staff, boards and commissions of current development issues.
- Reviewing development proposals for conformance with neighborhood goals. The PAAB may also provide a forum for developers to communicate with the neighborhoods on proposed development projects.
- Obtaining comments from neighborhood constituents on issues presented to the Board.

The PAAB will evaluate the Tempe Center Redevelopment proposal for compliance with the Strategic Plan. We are at risk of losing precious facilities, which are necessary to support a lively living environment for university students, faculty, the surrounding neighborhoods and the downtown. As the University owns the land, they are in a position to control the uses on this important site. We ask that the Board of Regents assure that the proposed development include:

Cheryl Carlyle  
Laura Godwin  
Tom Hinchion  
Roy Hoyt, Chair  
David Lucier, NewTown  
Jenny Lucier, Vice-Chair  
Bud Morrison  
Frede Rothermel  
Lisa Sette  
Al Skinner  
Kirby Spittler  
Brian Spear  
Sherry Urban

City of Tempe,  
Neighborhood Planning Manager  
Bonnie Richardson, AIA

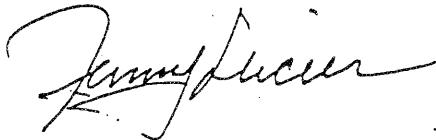
PO Box 5002  
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[www.tempe.gov/tdsi/npud/np/](http://www.tempe.gov/tdsi/npud/np/)

Northwest Tempe Neighborhoods  
seek neighborhood sustainability  
by establishing policies that  
enhance valuable  
housing stock and encourage  
responsive and responsible  
development that preserves  
and enhances local  
heritage and character

- Provision of basic goods and services for the university faculty, students, staff and the surrounding community. A grocery store is a requisite for this element.
- That the site be a pedestrian and transit oriented "common ground" for campus and community life. It should provide a strong link between the campus and the neighborhoods to the West.
- That parking and its associated traffic are provided only for the on-site uses. Excessive parking facilities and traffic are detrimental to other objectives of the plan.
- Establishment of bus, rail, bicycle, pedestrian and other non-automotive transport as the preferred modes.
- That destination and entertainment oriented businesses not dominate this project. The project should provide a mix of business types.
- That the buildings respond appropriately to the Arizona climate. Proper shading and energy conservation techniques should be incorporated.

The PAAB's position on this matter is supported by local business, community and University groups. We need your help. We understand the University's mission. We know that you want to be good neighbors; it seems unneighborly to ignore the neighborhood's plan. We ask that the Board of Regents demonstrate, initially in writing, a commitment to provide in this project the elements we have requested. We look forward to working with Arizona State University on this project to create a meaningful contribution to the campus and surrounding community. Please indicate in your reply how we can assure that everyone's goals will be met with this important project.

Sincerely,

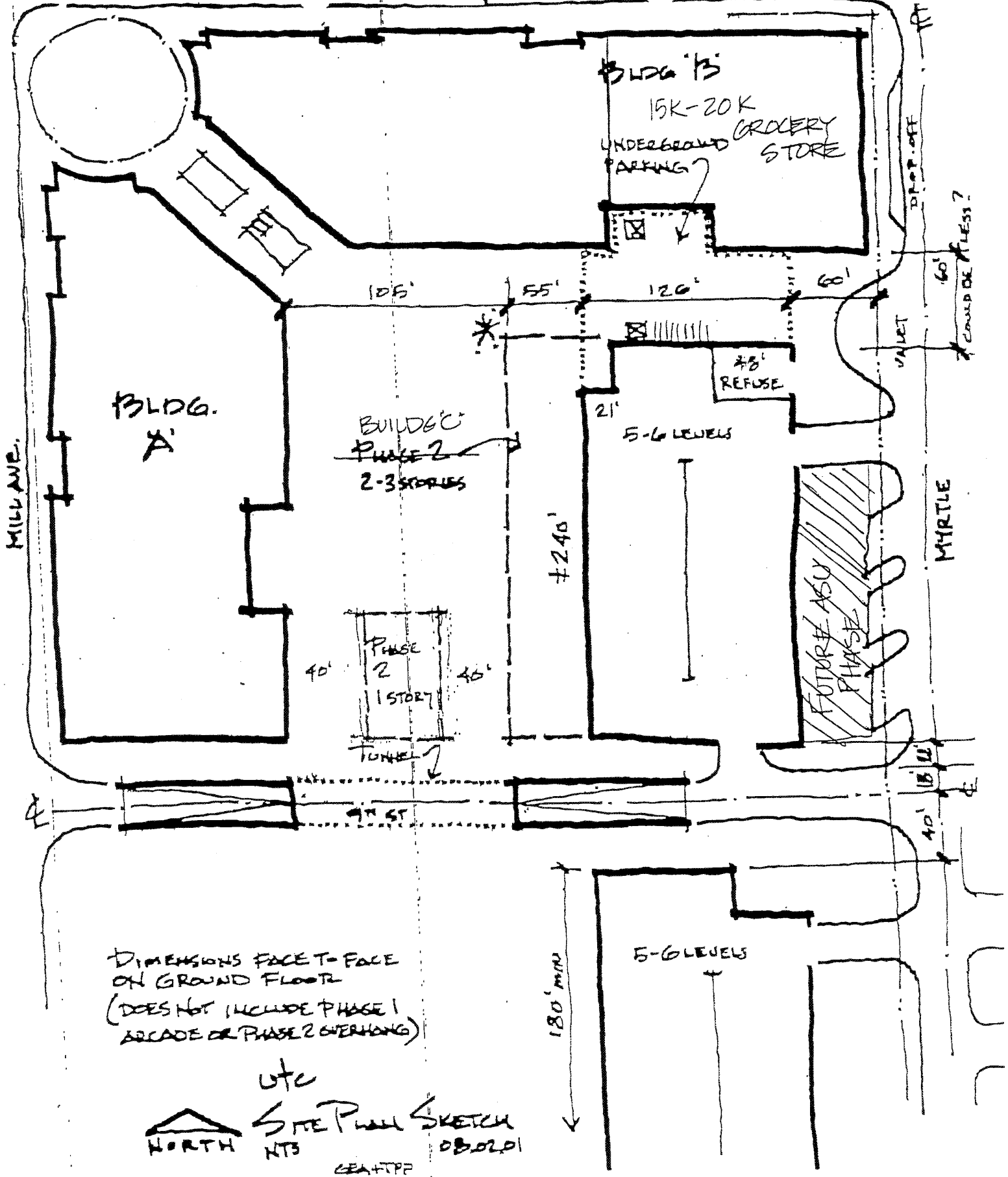


Jenny Lucier, Vice Chair  
Northwest Tempe Neighborhoods Planning Area Advisory Board

Attachments

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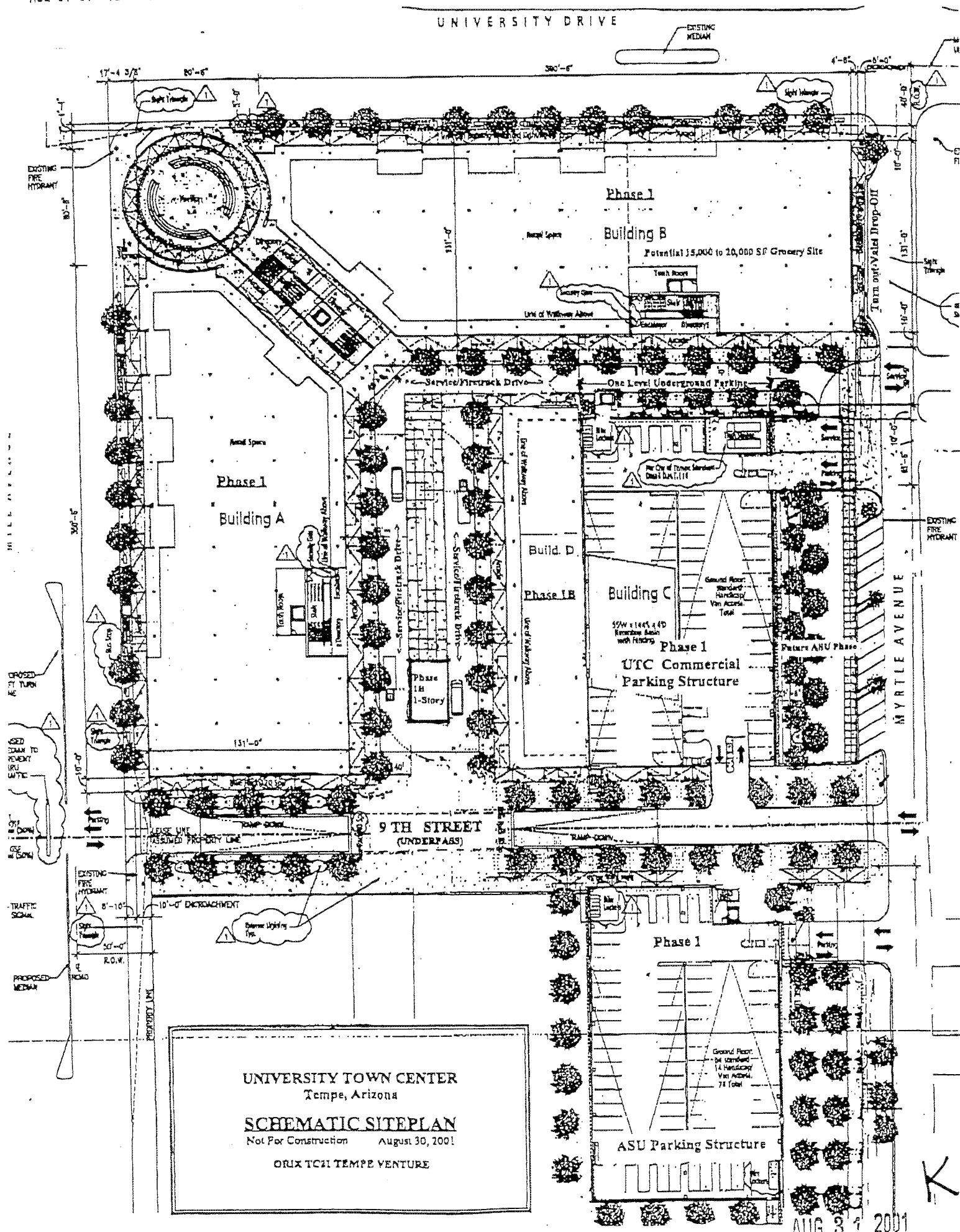
UNIVERSITY



DIMENSIONS FACE-TO-FACE  
ON GROUND FLOOR  
(DOES NOT INCLUDE PHASE 1  
ARCADE OR PHASE 2 OVERHANG)

UTC  
SITE PLAN SKETCH  
NTS  
08.02.01  
CEA+TPP

## UNIVERSITY DRIVE





# university town center

tempe, arizona

meeting notes: **asu / city meeting 08.02.01**

The **university town center** meeting was held at Old Main on the campus of ASU. This meeting was scheduled to review design changes to meet the City's and ASU's requirements. Mernoy Harrison, John Munier, Karen Honeycutt, Shar Hamilton, Jack Phfister, and Steve Miller attended for ASU; Dave Fackler, Steve Venker, and Bill Kersbergen attended for the City of Tempe; Mike Frost, Gene Kadish, Lar Bjorum, Andy Goodman, and Kurt Pairitz attended for ORIX/TC21 and Tom Reilly attended for GEA + TPP. The following are general notes from the meetings.

## 1. ORIX/TC21 Goals

- 1.1 Successful extension of development on Mill Avenue.
- 1.2 Create a significant architectural statement, "A project to be proud of".
- 1.3 Profitable retail development with a functional market driven leasing plan.
- 1.4 Create a retail development in downtown Tempe that contributes to the "critical mass" for success of the market area.

## 2. ASU Goals

- 2.1 An attractive and distinctive Gateway (later revised to "Threshold") to the ASU pedestrian environment with a visual connection to the campus.
- 2.2 Redevelop Commercial Center
- 2.3 Re-capture south 5 acres of the site for academic use.
- 2.4 Replace existing lease income.

## 3. City of Tempe Goals

- 3.1 Key ASU/City Interface
- 3.2 Sustain urban fabric at 9th Street.
- 3.3 Architecturally sympathetic to Downtown Tempe and ASU. "Timeless", "Compatible".
- 3.4 Provide essential neighborhood services - grocery store.
- 3.5 Park, but don't over park

## university town center

tempe, arizona

meeting notes: asu / city meeting 08.02.01

### 4. Why "This Project"

- 4.1 Key intersection for both the City and the University.
- 4.2 Investment by all parties of time, energy and money.
- 4.3 \$1 million of sales tax to the City annually and lease payments to ASU.
- 4.4 Lost opportunity cost of not being successful.
- 4.5 Project represents compromises made to date.
- 4.6 Favorable extension of Mill Avenue south, and the opportunity to extend it east along University.
- 4.7 Lack of favorable development on this corner if consensus is not reached.

### 5. Consensus Design Decisions

#### 5.1 Parking Structure:

- 5.1.1 Maximum 5 levels above grade if Phase 2 is two story, 6 levels if Phase 2 is three stories.
- 5.1.2 Possible to be 6 levels south of 9<sup>th</sup> Street.
- 5.1.3 Typical ASU parking structure construction – integral color pre-cast concrete with solid spandrels.
- 5.1.4 Minimum 1 level, two bays, below grade that connects to the south face of Building "B" to provide dedicated parking and vertical circulation that will make the east end of Building "B" more attractive to a grocer.
- 5.1.5 The city can participate in the additional cost for the parking associated with the grocery store if the applicant can prove need. ASU noted that they could provide financing in this scenario.
- 5.1.6 The north face of the garage can be exposed to relate to the south side of Bldg. "B" and vertical circulation.
- 5.1.7 North east corner of parking structure south of 9<sup>th</sup> Street to be set-back to provide connection to Tyler Mall.

#### 5.2 Ninth Street:

- 5.2.1 Street will connect to Myrtle Avenue on the surface by separating the garage into 2 freestanding structures (option to explore connecting garages either above grade or below).
- 5.2.2 Street will go underneath pedestrian plaza which will pass over the street with no change in grade.
- 5.2.3 City Staff will support a left hand turn lane onto 9<sup>th</sup> Street from Mill Avenue with a 2-3 car storage bay – a mirror image of the intersection at 7<sup>th</sup> and Mill. Develop design to prevent through movements west of Mill.

5.3 Applicant will need to make case for deleting northbound right hand turn lane from Mill Avenue to University Drive directly to the City Council.

5.4 Maintain site retention scheme – storage under ramps of parking structure.

5.5 Provide pull-in loading zone along Myrtle on east end of Building "B".

5.6 Provide Building Pad for future use along Myrtle by moving parking structure west 60' from Property Line.

5.7 Interim diagonal landscaped street parking can be developed in this zone along the east side of the parking structure.

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## university town center

tempe, arizona

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meeting notes: ASU / city meeting 08.02.01

- 5.8 Construction of Phase 2 on the west side of the parking structure north of 9<sup>th</sup> Street must be started prior to obtaining a Certificate of Occupancy for Phase 1.
- 5.9 Option to place one story "pavilion" structure at south end of courtyard and maintain approximately 40 foot wide pedestrian plaza on east and west sides. Structure needs to be "transparent" and can not be a restaurant use.
- 5.10 Review the use of fabric on the shade structures.
- 5.11 Review white color of project.
- 5.12 Provide more durable material for painted steel columns of shade structure at ground level.
- 5.13 Review a more "robust" design — explore option of expressing structural columns at face of building.
- 5.14 See attached Site Plan Sketch dated 08.02.01.

### 6. Approval Process

- 6.1 ASU requires that the design revisions be reviewed by PADRAC and the President prior to presentation to City Council.
- 6.2 The City Council is scheduled to review the application to appeal the July 18<sup>th</sup> denial from the DRB at the September 20<sup>th</sup> meeting. Next City Council meeting is October 11<sup>th</sup>. Tom Reilly to verify dates with staff.
- 6.3 Staff requests that the applicant make a pre-session presentation of the design changes to the DRB so that they can forward a recommendation to the City Council on the 20<sup>th</sup>. DRB Meetings before the scheduled City Council Meeting are on the 5<sup>th</sup> and 19<sup>th</sup> of September. Tom Reilly to verify dates with City Staff.

These notes are the interpretation of GEA. Please respond with additions or corrections within 24 hours of receipt.

Design Review Board Consensus of August 15, 2001 of the  
University Town Center Design Meeting held on August 2, 2001

After review of the minutes of the University Town Center Design Meeting held on August 2, 2001, the Design Review Board determined consensus on the following items.

1. The DRB wants this project to succeed.
2. We are excited with the direction of the site plan as shown in the charette developed during the August 2, 2001 meeting.
3. We support creative solutions in the design of shade structures.
4. The architecture of Buildings A & B plus the entry gateway was strongly supported by the DR Board at the time the application was denied.
5. We agree with the enhanced focus and potential for Myrtle Street.
6. We agree with the modifications to the garage structures in concept. We think the design of the parking structures must be compatible with the design of Buildings A & B. (If not in Phase I, then definitely the additions in Phase II)
7. We support the 9<sup>th</sup> Street throughway to Myrtle Street.
8. We agree with the Phase II timing to Phase I.
9. We recommend that the project return to DRB for review following the City Council discussion.

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## VERBATIM MINUTES FOR:

### **DRB01181 UNIVERSITY TOWN CENTER**

(Building elevations, site plan and landscape plan)  
815 South Mill Avenue  
CCD, Central Commercial District

Meeting of July 18, 2001, Design Review Board

Mr. Bill Kersbergen, Principal Planner: The applicant is before the Board requesting approval for the redevelopment of Tempe Center, now referred to as University Town Center. This large project will claim the entire lot of the southeast corner of University Drive and Mill Avenue, located in the CCD, Central Commercial District. There will be two phases of construction for this project. Phase I will include the construction of two retail buildings adjacent to Mill Avenue and University Drive, the construction of a six-story parking garage, and all of the onsite landscaping. The second phase of the project will include an office that wraps around the northwest corner of the parking garage.

Our recommendation is for denial. Arizona State University has endeavored to produce an architectural style which is defined by the moment. This piece, as a gateway to ASU, should follow in that same theme. There are some specific items of concern which, without further resolve, leads to our recommendation of denial. With regard to the sidewalk arcade, we have concerns relating to the effectiveness as a sun control element and the durability and sustainability of the material. There are concerns about the parking structure with regard to public safety. There are concerns related to building and site lighting which violate the City's Dark Sky Ordinance. There are concerns with the trash removal system. There are concerns with the garden piazza concept. And, there are concerns relating to pedestrian access to Arizona State University.

Mr. Bill Regner, Chairperson: Thank you very much, Mr. Kersbergen. Your name and address please?

Mr. Tom Reilly, Gould Evans: Mr. Chairman, Board, Staff, I'm Tom Reilly, I'm with Gould Evans Associates. I'm at 3136 North Third Avenue in Phoenix, 85013. I want to extend the regrets of Mr. Tom Pfeiffer who could not be with us because of family matters tonight. But, it's my pleasure to represent his design work to you. I have to say that we were encouraged by the Board's enthusiasm the last time we were before you. Since that time, we've been out and we've been talking to a number of people, including staff, and although that we're outside the planning district, we've been working very hard with the neighborhood and trying to meet some of their concerns. We believe we've met some of them.

I'd like to take a moment just to walk through the project. I know we have a few new faces, I'll try to keep it brief, given the time, and I'd like to come back and address some of the concerns that we've heard tonight. The initiation of the project came from this diagram; this is a description of how pedestrians will flow across the site. We went through a rigorous design process with the staff at ASU to determine how people would move onto the ASU campus, from the ASU campus onto Mill Avenue. The decision was that this corner was the key piece at 10<sup>th</sup> Street and Myrtle. While the university is still undergoing its master planning process for the south half of this property, they are engaged now in the design and soon to be the construction of a project mediated classroom building that will be here and will be set up to receive these two lines of pedestrian traffic. We also believe strongly that the project encourages pedestrian flows on both University and Mill Avenue. In keeping with that, and in discussions with staff, the project was developed to extend the planning principles that occur north of University to the southern half, in that the project hugs the property line, it provides 17 to 20 feet of walking surface for pedestrians, and probably unique, certainly unique to Tempe and probably unique in the Valley, it provides shade on all four sides of the project. This is an amenity that we just don't find anywhere else and we're very proud of it. It's a very big part of what the design and we believe it will encourage pedestrian traffic both inside and outside of the courtyard.

We've also located the parking structure on the back side in this service corridor along Myrtle Avenue. The second phase, I think as you will remember, would eventually come in and wrap this parking structure on the north and the west side. There's been a lot of discussion about the second phase; we believe that the value of

that property and the incentives to the developer to develop it will give us a really good chance of making that happen. We do believe that the courtyard works without that because of the traffic to and from ASU and from the parking structure, while still allowing vitality on the street. Some minor changes that have been made on the street side: we've pulled the exterior stairs to the curb side; this is similar to what Gordon Biersch has done on Fifth. This helps us out in a number of ways; one, it helps us with CPTED to provide more surveillance for those. We also think that, in some of the comments from the neighborhood, who are concerned that all of the life of this project was going to be in the courtyard, that this gives people coming down the street an opportunity to see how to get to the dining venues and the retail venues on the second floor without having to enter the courtyard.

The second story offers some really interesting opportunities that aren't available now. The second floor façade is set back from the first, providing for a walkway; we've started to manipulate the façade so that there's some in's and out's. Those are still being determined and will be determined by the actual tenant spaces, but we've shown some examples of how that will work. We've also pushed out, and I'll show you some better diagrams of that, some balconies out over the walkway so that as people drive up and down Mill Avenue, they'll be able to see people eating and people walking, particularly around this centerpiece. There'll be an opportunity to come out here on the second level and actually look down Mill Avenue, which I think will be quite spectacular.

The elevations of the project are similar, you can see here the impact of moving the stairs out. There's been a slight change in what we want to do here at the gateway piece, and we've been working with the Arts Commission and we'd like that to be the location of the public art in private places, and we've been talking to Jamie Carpenter who has a couple of installations in the Valley, about doing that piece for us.

The site section illustrates a couple of things. First, at 9<sup>th</sup> Street, it has been brought underground. When this project started, 9<sup>th</sup> Street actually didn't go through, when I first came on it. It was pushed through as a concession to the block-by-block planning that the staff was looking for. There's also been a great desire on this project to provide an auto-free pedestrian zone down through the middle of that courtyard, so we believe we've maintained that. Another issue that I want to describe on this is this has been described as a 7-story parking structure; it's actually technically a 7-level parking structure. When you look at the section of phase two next to it, with the ground floor retail and three to four stories of office, you can see that they just about match the height. So it's not quite like a 7-story building, it's more like a 4-5 story building. And you can see that the heights of the buildings step up nicely across the site from Mill Avenue.

The big change, and the big thing I want to show you tonight is what we are intending to do on the garage. We've looked at a number of different materials for this part of the project. The goal was to soften and to break up the scale of this parking structure on, not only the courtyard side, but also on the Myrtle Avenue side. What we've come up with is a series of aluminum louvers and the intention here is that they'll be in modules and within those modules there'll be up to five different angles set for the louvers. Those modules then will be applied in a random nature on the side of the structure so that you get this very interesting quilt pattern that would be a combination of shade and reflection and will change throughout the day. I can illustrate with this close-up section, if Kevin, you could help me by zooming in on this piece right here? Those louvers are set off the front of the garage. We're working with CPTED to make sure that we still have the visibility and the ventilation we are required to have for the garage. The north and south faces would become pre-cast concrete louvers. Again, we are working with CPTED to make sure that there's still good visibility into the garage structure.

Just a few quick character sketches to remind you of another change that we've made. We've talked about a number of different materials as a solid or opaque portion of the project. We're now looking at a clay brick product, in an attempt to make a more literal connection to the historic structures further north on Mill Avenue. We'd like to use this in a stacked bond configuration as shown in this sample with some deeply raked joints. We've made a number of changes, and the largest concern as we make those is that the architecture remains true to what it wants to be. This is a significant piece of architecture, it's a significant piece of design. We wanted to make sure to find the balance between reacting to comments that we had and trying to make sure that we're reacting to public comments, but not jeopardizing the intent of the design from the start. I think Tom

has found a very nice balance of that. This character sketch illustrates the balconies that have now been pushed out over the sidewalk; we're really excited about this, we think this is going to be a really lively and exciting place to be and to see people. And then a character sketch of the corner piece. I want to illustrate something here with these photos of the model, and I hope the model helps people understand the project a little bit better. But one of the things that I thought was really interesting that Tom was trying to achieve was this idea of shade and this gift of shade in the desert. There's nothing better or more welcome on a day like we had today. But still to allow views to the sky. Tom was struck when he was here by how blue the sky was, how beautiful it is here. As a native of Arizona, I sometimes take that for granted and I appreciated the way that he made this happen, so you not only have the shade, but you start to see the sky in this really interesting way, and really accent the color, and I think he's really achieved a nice thing there.

At this point, I'd like to address, item by item, some of the staff's concerns, and I think that I can go through these and help you out with them. The first was the design of the parking structure. I think this is a new design that we've shown; I think we're pretty excited, we think it's going to be a dynamic backdrop for what happens in that courtyard until the time that we can affect the second phase. The effectiveness of the sun control devices: I hop the model starts to describe that for you. We've done a number of studies to make sure that those work. Again, this is unparalleled. I look around not only Mill Avenue, but downtown Tempe in general, and I don't see any building that attempts to achieve the degree of shade that this building attempts. Not only the shade itself, but to shade the pedestrian. There was a question about...Jeff, could I have the material board for a second please?

Mr. Regner: Mr. Reilly?

Mr. Reilly: Yes?

Mr. Regner: I have a request from a Board member to pass the board around that shows the shade...

Mr. Reilly: Absolutely. The palette of materials that we have...frankly, all of these materials exist in downtown Tempe in one form or another. We're certainly using them in a different way; we're using them organized in a different way, and we're using different proportions of them. We have a couple of things going for us, and I think the comments were, the sustainability of the materials, the long-term appearance of the materials, and the choice of the materials. These were carefully thought out and be appropriate for the design solution that Tom was trying to achieve, and we believe that they're compatible with what exists not only on our neighbor to the east, but also to the City of Tempe. We have a special opportunity here that I think gives me a lot of confidence in telling you that this project will be well-maintained, it'll be kept clean, and that's that all commercial projects have a required set-aside for both the maintenance and the operations of the project. In its lease with ASU, the applicant has been held to a set-aside amount that's triple what the going rate is out in the public. This allows us to do a number of things and say with surety that this project will be kept clean, and it's certainly to the applicant's benefit to keep it clean.

There were a couple of CPTED issues noted by staff. One is the surveillance of the garage; I touched on that. We are working very hard to make sure that the screen works to help create some light and shadow on the side of the garage, but does not block visibility if somebody's in trouble and needs to come out to the edge and yell for help. The same is true for the stair towers; we've pulled all three of the stair towers, now, out from the garage to make them visible. We're working with a screen mesh there that will again allow visibility, especially at night when it's lit internally. As I mentioned, we pulled the stairs on the outside of the project out to help with that. The internal stairs, what we've done there is gated off the piece where you get underneath, and will provide more light down there. So again, trying to work very close with CPTED in making that work. There was a comment about the Dark Sky Ordinance and I believe that goes back to a drawing that we showed quite awhile ago. Here's another, somebody wants to look at another time.... We ran tests on the shading diagrams at a number of different times. We've been showing lights in this location, and the idea of trying to uplift this fabric. As you can see, first of all, obviously we have to comply with the Dark Sky Ordinance, there's no question about that. But I think you can see from the model now that there will be cut off for the light and we think we can work with the Dark Sky Ordinance, with the wattage and the direction of those boards, and still create a really wonderful opportunity for color and life and vitality along that street at night.

Refuse removal: I've been working with Mr. Lopinski from the city staff. We're locating our main refuse location here; refuse will be handled very similar to the way it is at Centerpoint across the street in that individual tenants will be required to deliver their refuse to this area. There will be restrictions on when those moves can be made and again, with the set aside, we'll have janitorial crew to make sure that any spillage is cleaned up. This is seen as an enclosed area so it's not even an outside area like occurs on most of the projects. So it will be vented and obviously controlling odors will be a big issue.

Using the courtyard as a loading area and having vehicular traffic in here: We think it would be extremely dangerous because of the nature and the landscaping to allow two-way traffic on these service drives. We do believe that the loading scheme can be controlled by, again, lease agreements limiting hours of loading and off-loading on the project. That's been done successfully on many projects around the Valley.

There was a discussion by staff about the dead-end nature of 9<sup>th</sup> Street that now comes up into the garage and the concern that if the garage was full, that you wouldn't be able to turn around. The intent is not that you would turn around if the garage is full, but that you would be directed by signs to exit the garage out on Myrtle.

There was a question about the pedestrian link to ASU. I hope I've adequately addressed that. We went through a very rigorous design process with ASU to make sure that that was going to meet their long term goals from a master planning standpoint.

I also want to address about four items that were in the Mayor's letter of May 15<sup>th</sup> that was attached to the package that went out to you. The first question that the Mayor raised was the concern about 9<sup>th</sup> Street, and I want to reiterate again that there was an honest attempt by the applicant to make this work for all parties involved. 9<sup>th</sup> Street does not exist, it's never existed on that site. It's been brought through the curb cut, will look like any other street on Mill Avenue so that you get the block by block development, and by lowering it, at incredible cost, so that we can still keep this interior courtyard free of automobiles.

The parking structure and a discussion about reasonable phasing of the project. There is no doubt that phase two is really going to help this courtyard work, and I know there's been a lot of discussion about the courtyard, what happens when phase two, if phase two, or until phase two happens. Again, with the set aside money, the intent of the applicant is to schedule a number of events throughout the year. Those events would include farmer's markets, art fairs, performances, similar to some of the things that happen at Hayden's Fair, again that's part of their commitment to the tenants that they have coming, is to make that work. The likelihood of phase two, I believe that it's too valuable for them not to do that, or there's too much money sitting there. And also, there was a question about the constructability – my understanding is that the applicant, once we get through this entitlement process, will be able to start working on getting funds to do phase two. Obviously in their best interest for that, phase two to even catch up with phase one, and hopefully the construction happens concurrently.

The Major expressed a need for the model; that's been produced. There was a question again about exposed glass. As I drive down Mill Avenue I see a number of buildings that have 50-60 even 70% of their surface area glass west-facing with no attempt at all to shade it. No sun control at all. We believe this is a very important part of the project, it's really the heart of the project and you can see how it drove the design and developed the design solution. And as for the character of the building, I know that I've had a number of discussions with this group in pre-session about why a modern building was chosen. And there's certainly a pattern for that development in the project that we saw tonight on the northern gateway to Mill Avenue, along the Rio Salado, the west side of the historic downtown Tempe, with the Arkitekton office building. The east side, the old bus stop, area with Gammadge's building, a very nice modern building, and in fact, right here across the street, with the City police building and certainly with the building we're in here today, I believe start to indicate that modern buildings can sit very well with the historic structures in downtown Tempe.

I'd like to entertain any questions or comments.....

Mr. Regner: Thank you very much. Board comments?



Mr. Nicpon: Mr. Chairman?

Mr. Regner: Mr. Nicpon.

Mr. Nicpon: I spent a lot of time since Friday when I received this book, when I opened it up I was shocked that, here we are again on this subject, and I needed to get some answers. I spent a lot of time talking to a lot of civic leaders, and a lot of people around town to find out what happened, because when we first started having this conversation, we had a lot of input, we had a second conversation, and we gave some direction based on design issues. What I've been able to get in the last few days is, and you may not like this, but you're not getting the straight story here. People are really not telling you the facts as they are. It really is not a design issue, I think it's a function issue. They're looking at this, and these are my words, that this is the other bookend of the other side of Tempe which is Town Lake, and this is the other part of the bookend. It's not that the design is so provocative and different, because everybody I've talked to really hasn't had any negative, major negative things to say about it. But something has bothered me right from the beginning. Right from the beginning there has never been any overly enthusiastic response to this project. It really has crystallized in my mind these last couple of days that, here we have a project which essentially is 300,000 or 400,000 s.f. or whatever it is, we have 150,000 s.f. of usage on it when it should be a little bit more. So, everything that was coming back to me was coming back that, oh we're not concerned about the design as much as the usage of this property, because it's not being utilized to the manner which a lot of people's visions, articulated or not, are not coming through. And even in the last meeting we had here with the DRB, the people were talking about the design but they still wanted, they were still uneasy about usage, what other elements were coming in, the parking lot was unclear, some people had problems in terms of it not being a mixed-use project. So, essentially, there's no this groundswell, this is going to be great. We've had presentations in here from other projects where you could feel the enthusiasm, how wonderful this is going to be for the City, and how we're going to move forward, and what a positive aspect this is. This is not happening here. And I think the expectations of this quadrant is so high that this has not met those expectations. I'm rambling a little bit here, but I'm telling you what I found out in the last few days. Again, we need a major, major discussion on this project because there's not a unified feeling that this is the way to go for this quadrant.

Mr. Regner: Thank you Mr. Nicpon, I don't think you rambled at all. Other Board comments?

Mr. Valenzuela: Mr. Chairman?

Mr. Regner: Mr. Valenzuela.

Mr. Valenzuela: Mr. Reilly, I've been in support of this project as far as design issues are concerned, probably since you first presented it. A question I have regarding the parking garage, is there anything that you have that shows the scale of the parking garage as proposed in context with ASU's parking garage across Myrtle?

Mr. Reilly: Mr. Chairman, Mr. Valenzuela, yes I do, go back to that section....

Mr. Valenzuela: While you're looking, hopefully you can understand and listen while you're looking, but is there a reason why that parking garage was not submerged? Why it's not subterranean a couple levels or more to reduce the height of that parking garage?

Mr. Reilly: Well, my understanding was that was looked at early on and there was a question about the land values being able to support that type of construction. If you, I'm sorry Kevin, if you'll back out a little bit, here's the structure here. There's been a lot of discussion about the parking, I know it's been an issue for the neighborhood too. I don't think, there's a number of things that made me believe that this is not an over-parked site. If you use the standard method of counting the number of parking spaces in the City of Tempe, you end up between 1700 and 1900 for this site. We're proposing about 1100 which comes in really close to where the shared use model is, depending on some of the numbers that you use. The fact is that, we're going to eventually, on the two sites, double or triple the density of what's there now, and we're literally only adding 233 parking spaces. The issues of promoting mass transit I know are very, very important again to the

neighborhood. We've been doing some work with that; there's been some work with the Traffic Department on limiting left turns from Myrtle and right turns from 9<sup>th</sup> Street during the hours of 4-6 p.m. to help relieve the problems at the intersection of Mill and University. The applicant has entered into an agreement with ASU that will allow employees of this project to park at Lot 59 and ride the Flash in. Significant impact – during peak hours there could be 400 employees on this project and that may equate to 250-300 cars. I think it's a huge issue. There's been an inclusion of some bike lockers in the garage to help promote the use of alternate means of transportation. It's a tough fact of life that there needs to be, I mean if there didn't need to be parking on this site, it would be a much easier solution. The economics and the site use are driving the location and the size, and we believe that the applicant has done everything they could to reduce the size and still meet the demands of the tenants that he's trying to market this project to.

Mr. Regner: Thank you Mr. Reilly. Other Board comments?

Mr. Gavigan: Mr. Chairman?

Mr. Regner: Mr. Gavigan.

Mr. Gavigan: When I think back to the previous times when you've presented this project to us and I remember my enthusiasm for this project in the last step, my enthusiasm was really based on this scale, the scale of the materials and the scale of the model that you made. And I think when I received this packet and had a chance this weekend to sit down and go back over it again, the problems for me begin to appear in the big picture, and some of the things that, when I read over the letter from the Mayor, for instance, it acting as a pedestrian gateway from Tempe to ASU, I don't think it succeeds, it doesn't meet my expectations of what that could be. As far as the 7-story parking garage, that's been a problem since the first day that I came over and there was the meeting at ASU, and I don't think that's been resolved, and I'm not sure a wall of aluminum is really what I want to see there. The shade structures, whether they're effective or not, I think they would be fairly effective; I still think there might be some issues there. And then as far as that large piazza in the center acting as a public space, there's an interesting comment here, that maybe that's not where it should be. And the more I thought about that I thought maybe that's correct, that area may just sort of fall flat. When I looked back at the drawings, at one point it had been proposed that there would be a pavilion in that space over where 9<sup>th</sup> Street now passes, and I thought that was a great idea. In fact, if there was anything that could draw people into that area, it would be perhaps a neat restaurant, something akin to the way that AZ88 interfaces with the Scottsdale Plaza there. I could see that pulling people in and through that space. But now that's disappeared, so I guess overall I'm, at the detail level, I like the project and I like the architecture, especially what's happening along the corner, but from a big picture I'm in support of staff on this. I just have some serious concerns that I just wouldn't feel comfortable supporting. Thank you.

Mr. Regner: Thank you, Mr. Gavigan. Other Board comments?

Ms. Goronkin: Mr. Chair?

Mr. Regner: Ms. Goronkin.

Ms. Goronkin: I agree, especially with concerns about the parking garage, Mr. Reilly. This has been my first opportunity to see the site plan for this project, and I've been hearing about it for years and, as a resident of Tempe for over 30 years, I've been looking forward with some degree of excitement to seeing what was going to occur there. The parking garage is a very unattractive feature that seems to dominate the backdrop for this project, and I concur that the aluminum panels don't even sound the least bit attractive to me. Maybe we just haven't had the right depiction of them, but it doesn't change the height of the building and its hulking presence there on that part of the landscape. Those are the primary concerns that I have with the project. I think that it will make the central piazza not a very desirable place to be and I guess I'm lacking in confidence that phase two will, in fact, occur in time to salvage the piazza. Thank you.

Mr. Regner: Thank you, Ms. Goronkin.

Mr. Voss: Mr. Chairman?

Mr. Regner: Mr. Voss.

Mr. Voss. I want to compliment you on the architecture that has been presented again on Buildings A and B. I think it's exciting, I think it's inviting, I think there's lots of opportunity for pedestrian activity to occur and to flow through the site. But, I'd have to reiterate my fellow Board members' comments here that the parking garage seems to kind of stop those successes, the successes of architecture and pedestrian plaza design and planning of the site. If I cover my hand over that portion of the site, I remain very excited about the project. I'm concerned with the treatment of the building, the height of the building, the shape of the building, and how it doesn't integrate with the site. Thank you.

Mr. Regner: Thank you, Mr. Voss. Comments? Ms. Corey?

Ms. Corey: I appreciate your taking such a bold stand in architecture in this quadrant. This is a gateway to ASU from the northwest, much the same as Gammage is on the south, and I think the building is successful in many ways. I think I would like to see the entry into the courtyard much more open. It's a very isolated area and I think it would be kind of ignored and not utilized to its fullest potential. Likewise, in the parking garage, parking is always an issue with Arizona State, but we need to take special attention and make sure that we're not compromising parking numbers and economics when we're actually designing the structure. Furthermore, I think I'd like to see, it would be nice to have some master planning over the entire site, the educational facilities to the south, and maybe some attention to Myrtle and the streets to the south, whether or not they're even appropriate anymore with this type of development.

Mr. Regner: Thank you, Ms. Corey. My comments will echo a number of the comments that are made. I thought Mr. Nicpon stated it very well that what we're seeing is not the image of, the expectation was, or what we'd like to see, I think the feedback is that it's not capturing the magic that was going to happen there. On the other hand, I think, as Mr. Voss said, Buildings A and B are truly unique and interesting, and you know, really have, may have something that would really energize this project and really carry this, well, not carry the project, but certainly is the beginning of what would carry the project. We said to you some time ago that if you wanted to deviate from the themes of Mill Avenue, then the project would need to stand on its own. And, I think your Buildings A and B begin that, and then it stops. And that's what you're hearing other people allude to, I mean maybe it extends into the plaza area, but it's not done.

There's like two projects here, and Mr. Voss said, you know, if he puts his hand over the parking structure, he sees a project. But you're presenting us here with what you're calling a project that isn't a project and it's not an integrated project. It's a forced integration, if there is an integration. You've got a remarkable architecturally conceived and drawn corner, two buildings on the corner.

And I want to say as far as the shade structures go we have a real challenge in this area regarding shade and structures for shade. Shade is at a premium, and one of the recommendations that I made to Otak as they're redesigning our ordinances and codes here, is that we've got to tackle that issue. Because if we want desert landscaping, and some of the landscape architects will take me to task on this, but you don't normally associate shade with desert landscaping. We want low water usage, but we still want shade, we need shade in this area. And so, what you're doing here, is you're experimenting and you are coming up with solutions about shade, and we need those experiments, we need creative solutions regarding shade in this area because there aren't very many. There's canopies and we have to worry about whether they're vinyl or metal or canvas, but they all look the same. This is different, this is unique. It may not work, it may get dirty, I don't know, but it's a movement towards some creative solutions to a problem that we live with here, and unless we want to put trees all over that use a lot of water and you know, whatever, we're not going to have types of shade that are aesthetically pleasing to us. So, I commend you for that. I can't say it works, I can't judge it that way because I don't know, I don't have that training, probably that ability. But I do appreciate that you're trying and you're moving that way and you've come up with something that certainly could work and I certainly believe that you folks have applied your education and training and intelligence and creativity towards coming

up with those solutions. So, I say, hey, let's try this, let's give this an opportunity to come to fruition here, and let's see if it works, let's learn from it, if nothing else. And if it works, let's sure enjoy it.

Anyway, that's what I think about that building, and you have made the changes that we had talked to you about, as far other materials, the glass, the brick, you know, there are the combinations of other elements that are in the area. So you've got a great corner, and the idea of whether the public wants open space on the sidewalk or whether they want a building on the sidewalk, I don't know that we know that. When the grassy knoll went away from Centerpoint, there was a furor. Maybe that grassy knoll was next to the sidewalk, so maybe that makes it different, but people like those kinds of spaces in my opinion. And I think they will like a space that's pleasing even if it's off Mill, even if it's in a courtyard. I don't think we have a definitive answer from the public that they want sidewalk. I haven't heard that, but certainly sidewalks become where the energy is in that area.

So your challenge is going to be to create something in that plaza that does draw people in there and certainly you're going to want to do that, but you only have half a project, from what I can tell. It looks like a great building on the corner with a big shed in the back yard. I'm sorry to say that, but it doesn't fit, and then it begins to dictate all the shapes within your plaza. You have wing kind of shape on the corner, and then you go to rectangles and squares on the inside, and it just looks like it's, you know, kind of mashed up against each other and you're trying to make it work. The border line is whether it's going to be aluminum siding on the parking garage or whether it's going to be shops and retail or what's there in phase one/phase two. It's doesn't come through, it doesn't reverberate in a way, resonate in a way that there's a sense of it working. I know that there are considerations that you have to address regarding ASU's participation in this, and not only what they want, but maybe what they are required to have. We don't know all those things, but I think it's going to be your burden to convince us, or demonstrate, or show us where these shapes are necessary, because right now it appears to be a position that's being taken and you're having to deal with it. And now we're having to deal with it.

I think there are comments in some of this material that the DRB has supported this project. Well, I agree, the DRB has supported the corner. I have expressed reservations all along about the parking structure and what's happening there, and I continue to have them, and I think if you had a project that really fit together in total, you wouldn't be having some of the objections that you are having now. So, Hayden Square is a somewhat enclosed area off of Mill Avenue, but it gets a lot of use. There's a lot of activity that goes on in there, and bands, and music, and events, and things like that. But demonstrate that those spaces are attractive in downtown Tempe and yours could be something that was akin to that with even more available with shops and stuff that aren't really there at Hayden Square. Is that right, Hayden Square is.....? So because you are isolated, as Ms. Corey said, then you're going to have to pull, if you're going to pull off of Mill you've got to have something there. You'll probably pull from ASU naturally, there's a natural flow there, but which doesn't go the other way. So you'll have to have something there.

Bottom line, you have two projects, one is a really nice project, one is an old stodgy, university-looking piece that don't mesh, they don't go together and either you need to stop calling them the same project, see if you can pull that one off, which I doubt you'll be able to at this point, or you need to go back and make the back part of this thing work with the rest of it. It isn't going to work with a rectangular parking structure set behind this really nice architectural set of buildings you have on the front.

Mr. Reilly: Mr. Chairman, may I?

Mr. Regner: Please.

Mr. Reilly: It's been my great pleasure to travel through most of the great cities in Europe and understand the way that public spaces work, in particular, it's been a special interest of mine.

Mr. Regner: I'm sure you do, there's no doubt in my mind.

Mr. Reilly: And there's no doubt in my mind that this works incredibly well with phase two. All the functions are here, all the special pieces. There is a great social psychologist that did, sorry sociologist, that did studies in New York about what ingredients were required to energize urban spaces, and this has all of them, particularly with phase two. It's enclosed, people can identify it as a space. It has activities off it. There is a little bit tougher sell without phase two and I think that was a description exactly what you pointed out, is what happens at Hayden Square, is the exact intention of what will happen at this, that there will be staged events to make sure that that space is energized. And I think that begins to work, and as you said, there will be pedestrian traffic through there, it's a natural spot, not only from the garage out to Mill Avenue, but also from the students coming through. So I don't believe it's going to be a dead area. I guess what I'm hearing is that, I'm not sure what we could do to the garage other than phase two that would meet your approval. The design solution that we've shown you tonight is not inexpensive; we've looked at much cheaper resolutions for that space. The aluminum louvers that we're proposing I think would be really exciting to see in these modules from a standpoint of seeing different shade and shadow and breaking up that mass, and also seeing reflection, this thing is going to change color during the day. And so, I'm not sure what direction to take from this.

Mr. Regner: Mr. Reilly, I think then the burden is on you to show it, as Ms. Goronkin stated, you're going to have to convince us. To a person, we're not seeing it. It sounds like other people aren't seeing it, they're not getting it. And if that means you're going to have to, you know, make a complete structural, you know, rendition of it or whatever to show how it works, I don't know. That's a lot to ask, but maybe this project warrants it. But right now, I see two projects trying to be fused together and it is back to what Mr. Nicpon said, it's not what the image is, the vision is, for that corner of this city, of this downtown. And so, I think we'd all like to get it, we'd all like to be behind it, but we can't.

Mr. Reilly: Just one point, Mr. Chairman. Fairness...is that most of the comments that you have read were made before the garage design was presented as presented, so you may be very right about needing to.....

Mr. Regner: I'm sorry?

Mr. Reilly: You may be very correct about needing to document that a little clearer and get the information out on what's being proposed.

Mr. Regner: Any other comments? Any other comments, Mr. Reilly, from your group?

Mr. Reilly: Apparently not.

Mr. Regner: Thank you very much.

Mr. Nicpon: Mr. Chairman?

Mr. Regner: Mr. Nicpon.

Mr. Nicpon: If it pleases the Chair, I would like to make a motion.

Mr. Regner: It does.

Mr. Nicpon: I move that we deny DRB01181.

Mr. Regner: We have a motion to deny DRB01181.

Mr. Gavigan: Second.

Mr. Regner: We have a second by Mr. Gavigan, a motion by Mr. Nicpon. Board discussion?

Mr. Nicpon: Mr. Chairman?

Mr. Regner: Mr. Nicpon.

Mr. Nicpon: I have a comment. I make that motion with deep regret, because I personally feel that, in order for us to move to the direction and the vision which I believe we should go into, that we need to do this. So, that's the reason I'm making this motion.

Mr. Valenzuela: Mr. Chairman?

Mr. Regner: Mr. Valenzuela.

Mr. Valenzuela: Since we made allowances for Mr. Pitchford to continue or withdraw or whatever the heck he did, should we not allow Mr. Reilly to do the same? Ask for a continuance.

Mr. Regner: Well certainly that discussion did not precede the motion, however I think there might be room for opinions to be expressed that this be a continuance rather than a denial. I'm not sure why we are at the denial stage, but....

Mr. Valenzuela: Me neither. Mr. Chairman?

Mr. Regner: Yes, Mr. Valenzuela.

Mr. Valenzuela: Isn't it typical, can it be a typical course of action to allow the applicant to ask for a continuance? We've done that before.

Mr. Regner: I certainly would ask the applicant if they would prefer a continuance to a denial.

Mr. Voss: While they're conferring I guess kind of where I was headed was that a continuance, even if its for a few months, would give the applicant the opportunity to either address the concerns that we have and staff has, or take a different direction through a withdrawal and a resubmittal, rather than taking a denial.

Mr. Regner: Thank you Mr. Voss. Any more comments?

Mr. Nicpon: Mr. Chair?

Mr. Regner: Mr. Nicpon.

Mr. Nicpon: The reason I asked for denial because I think this needs to come out and be a little bit more, we need to be more truthful with the applicant. There is a widespread dissatisfaction with the project and by a continuance, it really will not move us and move them into the direction in which they need to go, and open up this entire circumstance for a lot greater discussion. So that's the reason I'm asking for and have moved for a denial.

Mr. Regner: Thank you Mr. Nicpon. Comments?

Mr. Gavigan: Mr. Chairman?

Mr. Regner: Mr. Gavigan.

Mr. Gavigan: I placed my second based on the fact that I don't, I can't think in my mind of anything that you could face that parking garage with that would make it acceptable to me. And I think that the root problem goes much deeper and that's why I seconded.

Mr. Regner: Thank you. Well, my comment would be that there are elements of this project that are acceptable and there are elements that are not. And a continuance would allow the applicant to return to the drawing board. I think they know the direction it's going if those kinds of changes are not made, allows them

the opportunity to do that. I don't see this as a project that has no merit whatsoever. You know, that redesign may mean changing entirely the foot print of the parking garage, the whole idea of how it's put together, how high it is, how deep it is, certainly the shape of it. I mean there's a lot of possibilities that are there that do not deny....I don't want to send a message that the buildings on the corner are being denied. I don't think, I don't feel that way.

Mr. Valenzuela: Mr. Chairman?

Mr. Regner: Mr. Valenzuela.

Mr. Valenzuela: I think we owe this design team and the applicant the opportunity to revise the project if they see fit. They may not see fit to do so, and they should be given the opportunity to do that.

Mr. Regner: Thank you, Mr. Valenzuela.

Mr. Reilly: Mr. Chairman, members of the Board and staff. Thank you for your patience tonight. We would like to ask for a clarification from staff on what the applicant's rights are if, in fact, the project is voted in the denial. Our understanding is that we have the right to appeal to the City Council and, from the discussion earlier tonight, we would have the right to come back and ask for a...I'm trying to remember the term...reconsideration of this project. Is that correct?

Mr. Venker: Those are both options that you have to choose from, yes.

Mr. Reilly: Is there anything else that I'm missing?

Mr. Regner: A continuance, would be an option.

Mr. Reilly: This is would just be with a denial.

Mr. Venker: In terms of denial, you have the option to appeal that decision to City Council, the option to request reconsideration by the Board, and the option to redesign and create a new application, a new project.

Mr. Reilly: Umm, let me ask one more question again. Thank you for your patience. Would it be possible to ask the Board on what conditions they would approve the project.

Mr. Venker: I think that's certainly pertinent at this point in the discussion, yes.

Mr. Reilly: Mr. Chairman?

Mr. Regner: Could you restate the question please?

Mr. Reilly: The applicant would like to know on what conditions or stipulations, if you would, would the Board accept the project at this point.

Mr. Regner: Accept the project for reconsideration or accept the project for....

Mr. Reilly: For approval with stipulations, yes sir.

Mr. Regner: Pardon?

Mr. Reilly: For approval with stipulations.

Mr. Regner: That's a big question.

Mr. Voss: Mr. Chair?

Mr. Regner: Mr. Voss.

Mr. Voss: If I may...I don't know that we can answer that question. There are so many outstanding issues, I can only speak for myself, but we've heard other Board members make comments tonight that there are a lot of questions out there about the site planning, the form of the architecture, the treatment of the architecture, the function of the space, and the relationship to the University, to the streetscape. To sit here and debate what we could approve with stipulation I think is a really difficult task. That's why I was suggesting by my last comment that potentially a continuance would allow you some time whether it be two months or three months to establish what you believe could be approved by taking into consideration all the comments that we had tonight, taking into consideration what staff is suggesting in working on certain elements, and, or you could choose to withdraw after you're in a continuance mode. There is a motion on the table for denial at this point, but obviously other discussion about continuance as well. Thank you.

Mr. Regner: Mr. Reilly, I think it's not out of the realm of possibility that you could attain approval for the project if the back end of the project were redesigned to integrate better into the front end of it. OK, now that might not be true because the desire to have it be a more open design may carry the day. But for a design that included a plaza, as you wish, I think a redesign of the back end of it might afford you a project that could pass. So, I guess if a continuance would give you the opportunity to go and look at the back end, then you can come back without having to refile for a new application. OK, a denial in a sense leaves you without anything except, well, but from a design standpoint, what does it leave you with? Do you know that that's OK, or does that need to go and be open now? I'm wondering where you're going to be left. I would prefer to see you go and come back to ASU and your team and see what can be done with the back end of it, see if that will work through this Board, through the City Council, and move the project forward that way. If it doesn't work then, then you've got, then you're back to starting with an open, you know, gateway project.

Ms. Goronkin: Mr. Chair?

Mr. Regner: Ms. Goronkin.

Ms. Goronkin: Can I make another comment relative to the back end?

Mr. Regner: Absolutely. Help yourself.

Ms. Goronkin: While we're talking about the back end...Mr. Reilly, with regard to what I might find more amenable to favorably considering this project, certainly in concert with what Mr. Chairman and others have been saying, is that if you have, if you are now proposing building a garage to park the entire project, including a potential phase two, then design a partial garage with a partial phase two. Make your phase one include parts of each of the future phase two, if you understand what I'm trying to say. Combine the two into one, and open up the piazza so it actually leads into ASU because, as it is now, the parking structure blocks it. There really is no pathway into ASU; it is not a gateway into ASU. Those were things that would make it more amenable to me, but I'm only one vote. Thank you.

Mr. Regner: Guidance please.

Mr. Reilly: Mr. Chairman, and members of the Board. That does bring up a question, Ms. Goronkin. Is there a sense of what the Board would do if we were able to guarantee phase two, in other words if we could build phase two and provide life and shops and businesses so it's more of a mixed use development, as part of a single package. Would that meet the Board's goals?

Mr. Regner: If I could answer first, you've got some convincing to do that the design of phase two works. I think it would be preferable to see the whole project at one time, but as it's currently designed I am not seeing it. Other Board comments?

Mr. Valenzuela: Mr. Chairman?



Mr. Regner: Mr. Valenzuela.

Mr. Valenzuela: I support the project, the design of the buildings up front, I support the interior courtyard in spite of comments made by other people. I think people need those respite spaces away from Mill Avenue as Mr. Regner alluded, Hayden Square amphitheater, those are nice places to be. The only concern I have with this project is with the parking garage, and I think for me if phase two is completed, or a portion of it thereof, to sort of mitigate that parking garage, I would be completely in favor of it.

Mr. Regner: Mr. Gavigan?

Mr. Gavigan: Mr. Chairman. I thought of two things while we've been considering this that would work for me potentially on the parking garage. The first thing would be to make it look like a building, either with use of glass and use of your brick, or something, so that it basically hid its use. The other thing would be to pick up on some of the details that you've presented for the buildings that face Mill and that would be these linear columns, these shade structures, if you could pull a frame out, provide some shade and really give that façade the same character that's going on here, potentially it could even be done cheaper than these nice aluminum panels. It's just a thought. I mean, for me at least, then it would integrate into the project a little better and it would hold that ground until you were ready to move forward with phase two. Because there's a lot of great things in this project and I don't want it to get denied or to get lost just because of this one issue. There's a lot of good things going on.

Mr. Regner: I need direction, so I can call the question.

Mr. Gavigan: I'd like to withdraw my second for the denial.

Mr. Nicpon: Mr. Chairman?

Mr. Regner: Mr. Nicpon.

Mr. Nicpon: The motion maker will not withdraw the motion to deny.

Mr. Regner: The motion to deny now requires a second. Do we have a second on the motion to deny by Mr. Nicpon? Do we have a second on the motion to deny by Mr. Nicpon? Hearing none, the motion dies for lack of a second. The Chair will entertain another motion.

Mr. Valenzuela: Mr. Chairman?

Mr. Regner: Mr. Valenzuela.

Mr. Valenzuela: I would like to move to continue DRB01181.

Mr. Regner: We have a motion by Mr. Valenzuela to continue DRB01181. Do we have a second?

Mr. Voss: Second.

Mr. Regner: We have a second from Mr. Voss. Board discussion?

Mr. Nicpon: Discussion please.

Mr. Regner: Mr. Nicpon.

Mr. Nicpon: I will not vote for the continuance because I think we are doing the applicant a disservice. I really believe that the design which I personally have always been in favor of really is not going to be in any way enhanced by the functionality of the project as well as the garage. You can fix the garage, it's still not going to

be the kind of a level of a project that is expected that will get widespread recognition and acceptance. We may be buying time here, but we're still not facing the inevitable in my mind that this project needs to be rethought and redone.

Mr. Regner: Thank you Mr. Nicpon.

Mr. Reilly: Mr. Chairman?

Mr. Regner: Mr. Reilly.

Mr. Reilly: The applicant respectively requests that the project, that the vote not be continued, that the Board take an action tonight, either in favor of or denial.

Mr. Regner: I'm sorry?

Mr. Reilly: That the Board take action tonight, either in favor of or denial of the project.

Mr. Regner: You choose to not have a continuance?

Mr. Reilly: Yes, Mr. Chairman.

Mr. Valenzuela: Mr. Chairman?

Mr. Regner: Mr. Valenzuela.

Mr. Valenzuela: I would like to withdraw my motion then.

Mr. Regner: Motion to continue has been withdrawn.

Mr. Nicpon: Mr. Chairman?

Mr. Regner: Mr. Nicpon.

Mr. Nicpon: I move we deny DRB01181.

Mr. Regner: We have a motion to deny by Mr. Nicpon. Do we have a second?

Ms. Goronkin: I second.

Mr. Regner: We have a second from Ms. Goronkin. Board discussion? Hearing none, all those in favor of the motion to deny, signify so by saying aye. (Board responded) All opposed, same sign. (Mr. Valenzuela opposing) Motion to deny carries 6-1, Mr. Valenzuela dissenting. Thank you very much.

/dg